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Convention on the Elimination of all Forms of Discrimination Against Women

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 151st MEETING

Held at Headquarters, New York,
on Monday, 22 January 1990, at 10.30 a.m.

Chairperson: Ms. EVATT

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The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION

1. THE CHAIRPERSON said that the tenth anniversary year of the Convention on the Elimination of All Forms of Discrimination against Women, which had begun in December 1989, had already been marked by a number of events, including a conference organized by the International Women's Rights Action Watch, an organization whose untiring efforts had provided the Committee on the Elimination of Discrimination againt Women with valuable information regarding the status of women.

2. The Committee had a very important role to play in making the Convention effective. Its reports were the main source of information on the implementation, of the Convention, and its questions, suggestions and recommendations defined the scope of the Convention and the obligations of States parties. By pursuing a constructive dialogue, the Committee encouraged States to take a positive view of their obligations and assisted them in finding the best means of fulfilling those obligations.

3. Under rule 14 of the Committee's rules of procedure the officers of the Committee at its ninth session would be those elected at its eighth session, namely, Ms. Evatt (Australia), Chairperson; Ms. Ukeje (Nigeria), Rapporteur; and Ms. Guan (China), Ms. Oeser (German Democratic Republic) and Ms. Pilataxi de Arenas (Ecuador), Vice-Chairpersons.

4. Miss ANSTEE (Director-General of the United Nations Office at Vienna) said that the United Nations Office at Vienna had just undertaken a review of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, which would be presented to the Commission on the Status of Women in February 1990. That review showed clearly that progress had fallen far short of expectations. In fact, the Convention and its implementation was one of the few bright spots in an overall picture of loss of momentum for the advancement of women.

5. While the existence of the Convention was reason for celebration, there was no room for complacency. Although 100 countries had become States parties to the Convention, a further 60 Member States had not. Moreover, in some countries the mere existence of the Convention and its national enabling laws did not mean that women were aware of their rights and of the legal mechanisms available to them.

6. It was the work of the Committee that would determine the success of the Convention at both the international and the national level. The Commission on the Status of Women, the Economic and Social Council and, most recently, the forty-fourth session of the General Assembly had all recognized the importance of the Committee's work and had called upon the Secretary-General to give higher priority to strengthening support services for it. While committed to fulfilling its support function, the Division for the Advancement of Women had to compete for resources with other priorities, in an environment in which most of the players

(Miss Anstee)

were men. Under the regular budget for the biennium 1990-1991, Professional posts in the Division had been reduced by over 14 per cent, despite an increased work-load, to permit redeployment to "higher priority" programmes. The Division, would therefore have to make do with what it had and try to make the most efficient use of the personnel and time available. As a result, the talents of the entire staff of the Division, including personnel involved in policy research and information dissemination centred on the Commission on the Status of Women, were to be placed at the disposal of the Committee. The Committee would thus be able to benefit from the wealth of research, statistical analyses and published and unpublished material produced by the Division, and the Division would be able to integrate the Committee's concerns into its main body of work.

7. The availability of such resources was a powerful reason why the servicing of the Committee must remain the responsibility of the Division for the Advancement of Women. The Committee could not work properly simply by examining laws: it must also consider the political, economic, social, cultural and legal aspects of women's advancement.

8. The holding of the Committee's sessions in New York affected the Division's ability to service it, however. The number of staff available for the current session was far below what would have been available at Vienna and the number necessary to service the Committee fully. Furthermore, staff sent to New York were unable to consult most of the reference material normally available at Vienna. Lastly, staff remaining at Vienna were unable to gain an insight into the Committee's work or to give it the benefit of their specialist knowledge.

9. In the final analysis, however, the work must be done by the Committee and, in that connection, she wished to congratulate the Committee on its increasingly positive performance. That performance was bound to improve as the Committee streamlined its working methods. One improvement had been the introduction of a pre-sessional working group. Another would be to seek to frame general recommendations in such a way that they could be of direct, practical use to States parties in implementing the Convention. The Division could assist in that task if it was informed in advance of the general issues the Committee wished to address. The Committee might also examine how to tie its work in more closely with that of the Commission on the Status of Women. Lastly, the procedures for reviewing reports would have to be improved as the number of reports and States parties increased.

10. The celebration of the tenth anniversary of the adoption of the Convention had already been marked by many events, including the unveiling of a sculpture, the launching of a series of publications entitled "The Work of CEDAW" and the issuing of the first in a series of sales publications on the participation of women in decision-making for peace. The Department of Public Information had also prepared a new kit on the Convention, which was being widely distributed. The Division hoped to begin work on updating the report, originally prepared for the Nairobi Conference, on the achievements of and obstacles encountered by States parties to the Convention. A number of regional and international meetings and seminars related to the Convention were also planned for 1990. Outreach work relating to

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(Ms. Anstee)

the Convention was being greatly aided by the tireless efforts of non-governmental organizations, among which she wished to pay special tribute to the International Women's Rights Action Watch.

11. While the adoption of a convention was important, what really counted was its entry into force. The tenth anniversary of the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women would be on 3 September 1991 and the Division would welcome any suggestions on using that date to focus further attention on the Convention.

12. The 60 countries that had not acceded to the Convention justified their non-accession on the basis of traditional values or national practice. The task of the Committee and the Division in the next decade must be to change a situation in which one third of the world's women did not have access to the benefits of the Convention and a large majority did not even know of its existence.

13. Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) said that since March 1989, four more States had become parties to the Convention, bringing the total number of States parties to 100. Several other States were in the process of ratifying or acceding to the Convention.

14. The United Nations had organized a number of events and prepared a number of materials in conjunction with the tenth anniversary of the adoption of the Convention. A vast effort had been made to promote the dissemination of information on the Convention. Particular mention should be made of the launching at Vienna in December 1990 of the new sales publication entitled "The Work of CEDAW". The book, which would be available in English, French and Spanish, was the first in a series of compilations of the reports and summary records of Committee sessions. While the series was intended to make the Committee's work more visible and accessible to scholars, legal specialists and the public, it was not addressed to the lay person. To fill that gap, the Department of Public Information had produced a concise, accessible and comprehensive information kit on the Convention, aimed not only at the academic world but also at the mass media, non-governmental organizations and the general public.

15. Governments and non-governmental organizations had marked the tenth anniversary of the Convention by making special declarations and issuing brochures on the Convention. There had also been an increase in the number of meetings and conferences relating to the Convention. A commemorative seminar on the Convention would be held in September 1990 in the Soviet Union. That seminar, the third such seminar to be held since the beginning of 1989, was intended to promote implementation of the Convention by providing a forum for discussion of the benefits of accession and the measures various States parties had undertaken in implementation of the Convention. A regional training seminar on the Convention had taken place in Guatemala in October 1989, organized jointly by the Guatemalan Government and the United Nations for the Spanish speaking countries of the region. The 14 participating countries had recognized the need to, *inter alia*, reflect in their periodic reports the *de facto* situation encountered by women in

their countries, set up national machinery for co-ordinating the implementation of the Convention and organize training seminars for journalists in order to correct the image of women in the media. Another regional seminar was scheduled in October 1990 for members of the South Pacific Forum, most of whom were not yet States parties.

16. The Committee's ninth session had been preceded by the meeting of a working group whose task it had been to discuss questions that would arise out of the consideration of second periodic reports. Those questions could be presented to the countries concerned once they had been approved and finalized by the Committee.

17. The Committee's mandate also included making general recommendations. In that connection, there was a close link between the Convention and the Nairobi Forward-looking Strategies, which set forth guidelines to help Governments achieve equality for women. The Committee's task was to identify from the reports submitted to it the progress made and the obstacles encountered by States parties in improving the situation of women in their countries. The Division had routinely provided the Committee with extensive documentation, materials and statistical data from various sources, and it hoped that the Committee would also tap its own sources and experience in examining reports and drawing conclusions. It was in response to a request from the Committee that the Division had circulated an overview of the action taken at international level on the issue of traditional practices affecting the health of women and children (CEDAW/C/CRP.11), as well as relevant information from the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

18. In terms of reporting methodology, the Committee would have to consider the draft consolidated guidelines contained in document CEDAW/C/CRP.9. Those guidelines had been prepared by the Centre for Human Rights with a view to consolidating the guidelines issued by the various human rights treaty bodies and would help to avoid duplication of effort on the part of States parties and expedite the submission of reports. The backlog of reports outstanding to CEDAW was still high. Thirty-two initial reports were overdue and 34 second periodic reports were still outstanding. Some third periodic reports were also due for the first time in 1990.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (CEDAW/C/19; CEDAW/C/CRP.7)

19. The CHAIRPERSON drew attention to the provisional agenda in document CEDAW/C/19 and the programme of work in document CEDAW/C/CRP.7.

20. The provisional agenda and the programme of work were adopted.

21. The CHAIRPERSON said that under agenda item 1, the Committee would also decide on the composition and agenda of Working Group I, set up to consider and suggest ways of expediting the Committee's work and Working Group II, set up to consider and suggest ways of implementing article 21 of the Convention.

READEX FICHE

(The Chairperson)

22. The Committee must set its own agenda priorities, in the light of its possibilities and resources. It could get help from the Secretariat in the form of data, statistics, background information on the work of other treaty bodies, advice on draft recommendations, the advice of experts in specialized subjects and invitations to specialized agencies to provide information. Information should be requested from one session to the next, however, in other words, with adequate notice, and each working group should bear that in mind when planning its work and formulating its agenda. It might also be helpful if documents, when required in large quantities, were provided only to those who had direct need of them. The working groups might also have a role to play in helping the Committee co-ordinate its work with that of the Commission on the Status of Women, and in helping the Secretariat update reports by establishing priorities as to what parts should be updated first.

23. Ms. PILATAXI DE ARENAS, noting that reservations had been expressed on certain parts of the Convention, asked in what context those reservations would be analysed.

24. The CHAIRPERSON said that the question of reservations had been dealt with in an earlier recommendation, but that the matter could also be considered by Working Group II.

25. Turning to the composition of the working groups, Ms. Akamatsu, Ms. Forde, Ms. González Martínez, Ms. Guan, Ms. Ilic, Ms. Oeser, Ms. Tallawy, Ms. Ukeje and Ms. Walla-Tchangai had expressed a desire to serve on Working Group I. Ms. Alfonsin de Fasan, Ms. Corti, Ms. Escobar, Ms. Fenger-Moller, Ms. Laiou-Antoniou, Ms. Novikova, Ms. Pilataxi de Arenas, Ms. Sayogyo, Ms. Schopp-Schilling and Ms. Sinegiorgis had expressed a desire to serve on Working Group II. If she heard no objection, she would take it that the Committee agreed to the proposed composition of the two working groups.

26. It was so decided.

27. The CHAIRPERSON, turning to the agenda of the working groups, said that Working Group I might examine the draft consolidated guidelines of human rights treaty bodies governing the initial part of the States parties, reports for the tenth session, the report to the Nairobi Conference and procedural matters. Working Group II could review the reports already received by the Secretariat for the Committee's tenth session and make proposals for the agenda of that session. It might also consider draft recommendations on female circumcision and violence against women. Lastly, it should consider the dates proposed for the Committee's tenth session - 14 to 25 January 1991 at Vienna, for which the Committee's approval was requested.

The meeting rose at 12.10 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 152nd MEETING

Held at Headquarters, New York,
on Monday, 22 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention

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The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of the Federal Republic of Germany (CEDAW/C/5/Add.59 and Amend.1)

1. At the invitation of the Chairperson, Mrs. Lehr (Federal Republic of Germany) took a place at the Committee table.

2. Mrs. LEHR (Federal Republic of Germany) said that the delegation which she headed, as Federal Minister for Youth, Family Affairs, Women and Health, included two Länder representatives who dealt with women's issues, which attested to the importance that the Federal Republic of Germany attached at all levels - Federal Government, Länder and municipalities - to the status of women as well as to the subject dealt with in her country's initial report, namely, the application of the principle of equality between the sexes. Her country whole-heartedly supported the efforts of the United Nations to ensure the universal application of that principle.

3. The Federal Republic, which in 1985 had ratified the Convention on the Elimination of All Forms of Discrimination against Women, regarded the Convention as an important element in a series of international instruments relating to the protection of human rights. Since the submission of her country's initial report in 1988, new developments had taken place in the country that had perceptibly influenced the situation of women. Also, new data were available as a result of the 1987 population census. The report had therefore been supplemented by an addendum containing complete statistical data, as well as an overview of laws and measures adopted to ensure equality of rights, and developing some points not treated in sufficient detail in the initial report.

4. Generally speaking, the current situation in the Federal Republic was the following: equality between men and women was recognized de jure, but de facto there were still many examples of discrimination against women. The principle of equality between the sexes was enshrined in the Constitution. In 1949, as a result of pressure by women members of the Parliamentary Council, the Basic Law had been modified so as to specify that "men and women shall have equal rights". Since then the laws had been gradually adjusted to make them conform to that principle. The 1977 law amending the legislative provisions relating to marriage and the family, in particular, had ended all de jure discrimination against women. In 1979, when the Convention on the Elimination of All Forms of Discrimination against Women had been adopted, the legislation of the Federal Republic had already been largely in conformity with the provisions of the Convention that obligated States parties to ensure women equal rights with men in all areas.

5. In reality, however, many gaps remained, particularly in public life and professional life, and, to a certain extent, even in education. In public life, despite signs of a positive development, women were still underrepresented at all levels. Even in the sectors in which the presence of women was significant, such

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(Mrs. Lehr, Federal Republic of Germany)

as in political parties or trade unions, they held a tiny portion of high-level posts. The same applied to their representation in business and science, as well as in universities, where tenured professors were almost exclusively men.

6. The proportion of women in gainful employment continued to grow. It currently amounted to 39 per cent and was particularly high among young single mothers (54 per cent). Employed for the most part in the service sector, women were still largely underrepresented in the technical professions. Part-time work, most of which was done by women, had become more widespread. Almost one third of gainfully employed women were in part-time employment. Unemployment had increased in the past two years but continued to affect proportionally more women than men. The average gross income of women remained lower than that of men, basically because of structural factors, particularly the fact that women were by and large less qualified than men and had difficulty, because of their family obligations, in continuing their training. A radical change was taking place in the perception of the value of the work of women, mainly under the influence of the courts, which had challenged the criteria previously used in evaluating gainful activity.

7. In the field of education girls now had the same opportunities as boys, and they constituted approximately half of the school population at the secondary level. Nevertheless, they tended to concentrate in a small number of fields of study and training, which reduced the range of activities they could engage in later.

8. The explanation was the traditional perception of the role of women and men that was still common in society, as well as such factors as the inadequate number of crèches and kindergartens, which prevented women from participating fully in public life. That was where the Convention played an important role because in acceding to it every State undertook not only to modify its laws so as to eliminate any trace of discrimination against women but also to create conditions conducive to the full exercise of their rights.

9. What was the Federal Republic of Germany doing in that connection? At the level of Länder and local communities, a network of institutions, the "equal rights offices" of the Federal Ministry for Youth, Family Affairs, Women and Health, had been established with the task of implementing measures of the kind recommended in the Convention.

10. Facilitated by the growing public awareness of questions concerning discrimination and equal rights, those measures were aimed primarily at ensuring the advancement of women in professional and political life. At the federal level, as well as at the level of the Länder and many municipalities, guidelines had been adopted giving priority to women in the areas in which they were underrepresented. Moreover, pilot programmes had been started at all levels to facilitate access of women to professions previously dominated by men. In the private sector, special programmes instituted by firms to promote the advancement of women were increasingly widespread. Participation of women in the management of political parties was now encouraged by the parties themselves.

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(Mrs. Lehr, Federal Republic of Germany)

11. A special effort had been made at the level of schools and the media to prevent them from perpetuating stereotypes that impeded genuine equality between men and women. The Standing Conference of Ministers of Education of the Länder had adopted "principles for the designing of textbooks" and the German Advertising Council was combating advertisements that discriminated against women. Legislative provisions had also been adopted against traffic in women, and shelters provided protection and assistance to women victims of violence in the home, whose number, unfortunately, remained very high in the Federal Republic.

12. In the field of education, information campaigns and pilot programmes had been started at the level of the Länder to encourage young girls to choose fields of study and training traditionally dominated by men. The Government was also in the process of re-evaluating the coeducational system in order to tailor it more closely to the needs of girls. In the field of research, centres concerned with women's issues were increasingly numerous.

13. In order to enable women with children to combine professional and family life more easily, which was what 82 per cent of young mothers wanted, important measures had been adopted. In addition to the monthly allowance paid to parents in the first months of the child's life, either parent could take leave to raise the child with a guarantee of keeping his or her job. None the less, efforts still had to be made at the level of the Länder to increase the number of crèches, which was currently insufficient. Legal protection was also guaranteed to firms that agreed to provide part-time jobs. The Federal Government also took measures to facilitate the re-entry into the work-force of women who had devoted some time to the education of their children. In the field of health, research projects financed by the Federal Government were placing greater emphasis on the specific problems of women.

14. In conclusion, she said that her country spared no effort to ensure the de facto equality of women. That was a challenge it would take up in the 1990s.

15. The CHAIRPERSON thanked Mrs. Lehr for her introduction of the initial report of the Federal Republic of Germany and for the additional information she had given. The report closely analysed the obligations which the Convention imposed on States. It stressed the need to rethink, within a context of complementarity, the role of men and women and to adjust working conditions so as to enable both to reconcile professional necessities and family requirements. There were many other interesting aspects to the report. She therefore wished to open the general debate and thus enable members first to make comments on the report as a whole and then to raise questions in the order of the articles of the Convention.

16. Ms. PILATAXI DE ARENAS congratulated Mrs. Lehr, whose statement had brought the report, which was geared more to the legal status of women in the Federal Republic, into sharper focus. She would like to know if the Government intended to withdraw its reservations to article 7 (b) of the Convention.

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17. Ms. DIALLO SOUMARE said that the dynamism of women's organizations and the commitment of the Government operated in tandem to enhance the social and professional status of women in the Federal Republic of Germany. She hoped that with that good start the Government would withdraw the reservations it had expressed when it had ratified the Convention.

18. Ms. ALFONSIN DE FASAN said she appreciated the efforts undertaken in the Federal Republic of Germany to give women their proper place in professional life and would like to know specifically the results of measures to promote the professional training, advanced training and retraining of women.

19. Ms. TALLAWY said that she welcomed the special measures taken in the Federal Republic of Germany under article 15 of the Convention, particularly those designed to prepare women for new jobs. It was regrettable, however, that the report did not give a full picture of the economic and social factors that impeded full equality of women on the professional level, particularly in terms of salaries. That gap was all the more regrettable inasmuch as the Federal Republic of Germany, an economically developed country, did not have to face the problems encountered by other countries in that field.

20. Ms. OESER said that she had read with particular interest the passages in the report describing the measures undertaken in the Federal Republic of Germany, apparently with success, to ensure the *de facto* equality of women, but she wondered why the bodies and services that dealt with those questions at different levels hired only women. She would like to know whether any effort was being made to change that situation, which was similar to the one that prevailed in many other countries.

21. Ms. NOVIKOVA, like many other members of the Committee, expressed regret at the late distribution of the addendum to the initial report of the Federal Republic and felt that the highly developed and democratic countries should set an example in that respect. Having often visited the Federal Republic of Germany she could attest to the efforts being made there to improve the situation of women and was convinced that the good will of the Government, in conjunction with trade-union initiatives, would be reflected in even more thoroughgoing reforms. Like other speakers, she regretted the fact that the Federal Republic had felt it necessary to make reservations when it had ratified the Convention.

22. Ms. ILIĆ said that, in order to facilitate the discussion she would have preferred it had the ample information contained in the addendum just distributed, particularly the impressive list of specific measures adopted by the Federal Republic of Germany, appeared in the initial report. With regard to the guidelines to ensure the advancement of women in companies (para. 29 of the report) and in the civil service (para. 32), she would like more specific information about the result of those measures. She would also like to know about the activities of the Federal Republic of Germany in regional organizations, particularly the European Council and the European Parliament.

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23. Ms. AKAMATSU said that she would like to know to what extent the ratification of the Convention had resulted in the Federal Republic of Germany, as it had in Japan, in a modification of the traditional conception of the role of women and if, again as in Japan, it had caused controversy. She would also like more information about the organization of the Ministry for Women established in 1986 and particularly if it was authorized to ensure the protection of working women or whether that was within the jurisdiction of the Ministry of Labour. In respect of abortion (paras. 68-70 of the report) she would like to know who was responsible for the decision to induce an abortion under conditions conforming to the Penal Code and what criteria were applied.

Article 2

24. Ms. CORTI raised a number of questions regarding the Federal Ministry for Youth, Family Affairs, Women and Health. How was the work divided among those four areas and was there an overall budget or a budget for each category? What steps was the Ministry taking to promote the advancement of women in the civil service (para. 45 of the report)? What was the relationship between the equal rights offices of the *Länder* (paras. 47 and 48) and the Ministry? Did the latter have the right to initiate bills (para. 48) or was the Ministry limited to a consultative status? What were the new measures being considered by the Ministry (para. 52 (1)) in order to bring about equality of the sexes? Were employers obliged to follow the chronological order of registration on the unemployment office lists (para. 65)? Did foreign workers, apparently not mentioned in the report, have the right to invoke article 3 of the Constitution when they believed themselves to be victims of discrimination (para. 66)? Were there clandestine abortions or did women seek abortions abroad? From what year did the German legislation on abortion date (paras. 68 to 70)?

25. Ms. GUAN viewed the establishment of the Ministry for Women as a demonstration of the willingness of the Government to improve the situation of women. She appreciated the frankness of the report, which did not attempt to hide any weak points, particularly with respect to the status of women in professional life. She would appreciate information on women's organizations and movements.

26. Ms. FORDE commended the Government of the Federal Republic of Germany for having ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1985 and for its promptness in submitting its initial report. She associated herself with previous speakers who had requested that the Government of the Federal Republic of Germany should consider withdrawing its reservation to article 7 of the Convention.

27. With respect to the issue of induced abortion, which was treated in paragraphs 68 to 70 of the initial report, she would like to know in concrete terms how the Federal Republic of Germany was implementing its legislation in that field.

28. Ms. NOVIKOVA wished to know who in the Federal Republic of Germany, at both the Federal and the *Länder* levels, was responsible for taking action in cases of breaches of the legislation prohibiting discrimination against women. Had such cases given rise to studies and, if so, what were the results of those studies?

29. Ms. ESCOBAR said that she would appreciate more information with regard to discrimination against women in the workplace. With respect to the situation of Turkish women, she wished in particular to know if they could invoke German laws in order to protect their rights.

30. The CHAIRPERSON pointed out that, in the Federal Republic of Germany, the provisions of the Basic Law relating to basic rights did not apply to discriminatory acts committed by private persons. She would therefore like to know how the provisions of article 2 (e) of the Convention were implemented in the Federal Republic of Germany.

Article 3

31. Ms. LAIOU-ANTONIOU observed that the decision-making bodies in the Federal Republic of Germany were decentralized. She wondered how, in practice, women participated in economic planning at all levels. She would also like to know what demands had been made by women within those decision-making bodies.

Article 4

32. Ms. TALLAWY said that she had noted with great interest the measures taken in the Federal Republic of Germany, especially in the retraining project, which opened new professions to women. She would like to know if guidelines on that matter were provided to businesses and if studies had been made in that field from which other countries might benefit. Were there any pamphlets on the subject?

33. She wished also to know what impact the Convention on the Elimination of All Forms of Discrimination against Women had had at the governmental level. Had the Convention encouraged the authorities to adopt more measures favourable to women?

34. She observed that, for various reasons, the adoption of special measures often evoked a certain amount of resentment from the public. Was that the case in the Federal Republic of Germany?

35. Ms. NOVIKOVA said that, in general, the role of women in decision-making often remained very limited. She would like to know what the Government of the Federal Republic of Germany could do in order to improve that situation.

Article 5

36. Ms. NOVIKOVA said she would like to know what efforts had been made in the Federal Republic of Germany to overcome social and cultural prejudices with respect to women and whether those efforts had produced concrete results.

37. With respect to the raising of children, she wished to know if, in the Federal Republic of Germany, the responsibilities of men and women in that area were recognized and how that was demonstrated in a concrete fashion.

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38. Ms. LAIOU-ANTONIOU said that she would appreciate information on the women's movement in the Federal Republic of Germany. In attempting to change attitudes towards women, government action was obviously very important, but women themselves could exert considerable influence in that sphere. Was the women's movement in the Federal Republic of Germany on the decline or was it maintaining its momentum? Did it operate in a manner similar to political parties?

39. Lastly, she wished to know if sex education was part of the academic curriculum.

40. Ms. GONZALEZ MARTINEZ, referring to paragraphs 76 and 77 of the report of the Federal Republic of Germany, said that public relations activities and information campaigns were being undertaken in the Federal Republic of Germany in order to change public attitudes towards the roles of women and men. In that connection, she drew attention to the problem of advertising which, unfortunately, was a problem in every country. Specifically, she wished to know whether the Federal Republic of Germany had a law or regulations covering television programmes and television advertising that portrayed a distorted image of women.

41. She also wished to know if the German Government planned to continue reviewing school-books in order to change the stereotyped roles of men and women often portrayed in those books.

42. The CHAIRPERSON wished to know the number of fathers who were taking advantage of the current provisions concerning parental leave.

43. In her introduction, the representative of the Federal Republic of Germany had referred to women who were victims of violence in the home. She wished to know if programmes had been planned to assist those women.

Article 6

44. Ms. PILATAXI DE ARENAS, referring to the problem of prostitution noted that the Ministry headed by Mrs. Lehr had undertaken an investigation of the causes of prostitution. She would like to know what the results of that investigation had been. Referring to the question of "prostitution tourism" mentioned in the report of the Federal Republic of Germany, she noted also that a pilot project had been envisaged to come to the aid of aliens who engaged in prostitution. She would like to know whether the causes of that type of prostitution - unemployment, maladjustment, etc. - had been analysed.

45. Ms. ESCOBAR asked whether prostitutes received social assistance and whether provision had been made for health services for them.

46. Ms. GUAN, referring to paragraph 79 of the report of the Federal Republic of Germany, where it was said that the penal provisions concerning prostitution were primarily intended to protect the prostitute against threats directed against her person or her personal freedom, asked what those provisions consisted of. It would also be useful to know the number of prostitutes and whether that number was increasing or decreasing.

47. The CHAIRPERSON asked whether special programmes existed for combating AIDS and protecting particularly vulnerable women against that disease.

Article 7

48. Ms. DIALLO SOUMARE said she would like to have further information on the structure of the Federal Ministry for Youth, Family Affairs, Women and Health headed by Mrs. Lehr. She would like, in particular, to know what were the relations between that Ministry and the Government, the political parties, the trade unions and the women's movements. She would also like to know what portion of that Ministry's budget was allocated to women's affairs.

49. Ms. TALLAWI considered that the part of the report of the Federal Republic of Germany that dealt with article 7 of the Convention seemed to be the weakest. The indications contained in it concerning the participation of women in the political and public life of the country were very insufficient. No information was provided about the programmes drawn up by the political parties to promote the participation of women and combat the obstacles hindering such participation. She would like to know the number of German women occupying posts in the Ministry of Foreign Affairs, for example or representing their country in international organizations. She would also like to know how the Ministry for Youth, Family Affairs, Women and Health co-ordinated its activities with the other ministries in order to ensure programme follow-up. The report submitted by Australia contained very clear indications on the subject. It would be interesting, particularly for the developing countries, to learn the experience of the Federal Republic of Germany in that area.

50. Ms. ESCOBAR said that she would like to know the percentage of women who were victims of industrial accidents.

51. Ms. CORTI said that she believed that women played a very active role in political parties in the Federal Republic of Germany and, in particular, article 3 of the Basic Law, relating to the equality of men and women, had been adopted following pressures exerted by the latter in Parliament. It was therefore a pity that the report gave little information on the subject of the participation of women in political life.

52. According to the statistics provided by the Government of the Federal Republic of Germany, the number of seats occupied by women in Parliament had considerably increased. She would like to know how that progress had been achieved and whether the parties were subject to a quota system. Many countries were witnessing a wave of conservatism. Was that the case in the Federal Republic of Germany and, if so, was the Federal Government envisaging concrete measures for continuing to promote the participation of women in public life?

53. Ms. BERNARD commended the Government of the Federal Republic of Germany for its report and also Mrs. Lehr for the excellent presentation of the situation of women in her country that she had given at the beginning of the meeting. She had noted, however, a gap in the report of the Federal Republic of Germany. It did not

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(Ms. Bernard)

contain any indication concerning the presence of women in the legal system. She would like to have some information on the subject.

Article 8

54. Ms. NOVIKOVA said that she would like to know what concrete measures had been adopted in the Federal Republic of Germany to ensure conditions of equality with men with regard to the representation of the Government at the international level.

55. Another concrete question: what criteria were applied in the Federal Republic of Germany for selecting the women who occupied posts at the international level? A country like the Federal Republic of Germany, where there was a Ministry specially entrusted with questions relating to women, as well as research centres on those questions, might serve as an example to others in that field.

56. Lastly, she would like to know the number of women from the Federal Republic of Germany who were working in the United Nations. That question seemed to her particularly relevant since the United Nations itself had set the objective of having 30 per cent of United Nations Secretariat posts occupied by women.

57. Ms. ESCOBAR said that she would like to know whether women in the Federal Republic of Germany occupied administrative posts in trade unions and employers' associations and, if so, what were the percentages.

Article 9

58. Ms. AKAMATSU said that she understood that the Government of the Federal Republic of Germany had modified the law on nationality before ratifying the Convention on the Elimination of All Forms of Discrimination against Women. Was there a link between that revision and the ratification of the Convention? Had that revision aroused opposition and to what extent?

59. Ms. BERNARD said that she understood, from the report of the Federal Republic of Germany, that, just as a German man, if he married an alien, conferred on her his nationality, a German woman could confer her nationality on her alien husband. However, she would like to have that confirmed.

Article 10

60. Ms. ALFONSIN DE FASAN noted that the Government of the Federal Republic of Germany was encouraging the education of women. She would like to know, specifically, whether the Government encouraged women to request scholarships for the purpose of following advanced training programmes. Similarly, was the Government of the Federal Republic of Germany encouraging women, in one way or another, to take up careers in non-traditional fields?

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61. Ms. ESCOBAR noted, from paragraph 99 of the report, that between 1978 and 1985, the Federal Government had set up pilot projects aimed at opening up technical and industrial occupations to women. She would like to know whether those projects had yielded results and whether it would be possible to have some figures on the subject. She would also like to know the percentage of illiterate women compared to the percentage for men.

Article 11

62. Ms. GUAN, referring to paragraph 115 of the report, where it was mentioned that labour courts in the Federal Republic of Germany had awarded damages to women who had applied for posts and been rejected because of their sex, said that she would like to know the reasons that had been invoked for that rejection.

63. Ms. PILATAXI DE ARENAS considered that the legal provisions adopted in the Federal Republic of Germany to ensure the equality of men and women in active life were admirable. Referring to paragraph 120 of the report, which stated that the Government of the Federal Republic of Germany was considering an amendment of the act to harmonize legislation in the European Economic Community, she asked what act was referred to in that paragraph.

64. Furthermore, she noted in paragraph 141 that, in the "light wage group", to which women generally belonged, the Government of the Federal Republic of Germany itself recognized that there was discrimination with regard to women. She asked what trade unions had done to improve that situation and what power women workers had within trade unions. Since the Federal Government had submitted a report on the subject in 1986, she would like to know whether measures had been taken on the basis of that report and what they consisted of.

65. Lastly, in view of the opening up of the Eastern countries and the resultant movements from one country to another, she asked whether the Government of the Federal Republic of Germany was envisaging the establishment of programmes for Eastern women seeking work in the Federal Republic of Germany.

66. Ms. ALFONSIN DE FASAN requested information about the measures taken in the Federal Republic of Germany to allow women to balance professional and family life. She would also like to know whether the law on the promotion of employment had had repercussions on part-time employment.

67. Ms. TALLAWI emphasized that, although the number of women in paid employment had grown continuously over the last few years, that increase was still very slight, in spite of the positive action of the Government of the Federal Republic of Germany in favour of the employment of women. She also asked, on reading the report, whether the fact that the proportion of women in the active population had increased since 1975 might signify a decrease in male employment. She would therefore like to know the statistics for unemployment in the Federal Republic of Germany and, more specifically, to have some figures regarding the situation of men in the field of employment.

68. Ms. GONZALEZ MARTINEZ asked what were the 20 occupations referred to in paragraph 130 that were not open to women because of statutory regulations and what were those statutory regulations. Referring to paragraphs 151 and 152 of the initial report, she expressed the wish that, once they were known, the results of the debate in the Bundestag on the draft for an act on working hours should be communicated to the Committee. What, moreover, would be the consequences of that act for the employment of women: would they stimulate it or would they be an obstacle. With regard to professional training to help women to return to working life, which was the subject of paragraph 97, she asked whether those programmes were financed by the Government alone or with the participation of businesses and trade unions. With regard to paragraph 135, she requested clarifications on the conditions for entitlement to benefits and the benefits themselves. With regard to paragraph 141, she would like to know what were the light wage sectors of activity and, specifically, the difference between those wages and normal wages. With regard to paragraph 142, she asked whether the principle "equal pay for equal work" was not incompatible with another principle that required that women should benefit from different working conditions, which obliged the employer to remunerate them differently. With regard to maternity leave, she asked what was its duration in the Federal Republic of Germany, whether a woman received her salary in full during the leave period, whether she could keep her job with all her acquired rights and what were the procedures for paying the 600 deutsche mark allowance to which women who took 10 months supplementary leave following maternity leave were entitled.

69. Taking up a question raised by Mrs. Lehr, she asked also what were the working conditions for immigrant women in the Federal Republic of Germany and, in particular, what provisions had been made for them with regard to social security.

70. Ms. FORDE pointed out that, in several places in the initial report and the addendum, mention was made of part-time work; she asked why part-time work concerned mainly women; she would also like to know why, as mentioned in paragraph 34 of the report, part-time work had been put "on an equal footing with full-time employment". Was it a question of social benefits such as health insurance, the right to unemployment or the right to a pension?

71. Ms. OESER requested precise figures regarding crèches and kindergartens, which Mrs. Lehr had said were insufficient; she also asked how it was possible to meet the needs of working households in that area.

72. With regard to the principle "equal pay for equal work", what was the situation in private businesses? Were there, as in other countries, cases of discrimination? The representative of the Federal Republic of Germany had evoked a principle that represented a step forward, namely, "equal wages for work of equal value". She would like to have further information about the programmes set on foot in the Federal Republic of Germany to overcome the obstacles hindering the application of that principle and also about available studies and the experience acquired in that field where countries were experiencing so many difficulties and where the Federal Republic of Germany was among the most advanced.

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73. Ms. AKAMATSU, referring to the provisions of article 611 of the Civil Code of the Federal Republic of Germany, mentioned in the report, pointed out that similar measures had been introduced in Japan, not without arousing criticisms. She asked how far the efforts to harmonize labour legislation in the European Economic Community, referred to in paragraph 120 of the report, had gone and how subparagraphs a and b of article 611 were being implemented.

74. Ms. CORTI observed that unemployment was proportionally higher among women than among men, which the report explained by the fact that women limited themselves to traditional professions in spite of the vocational training programmes set up by the Government. She wondered what solutions could be found. Could the problem be remedied by a reduction in the number of work hours or by more frequent use of part-time work? With regard to part-time work, she wished to add to the questions already raised that of regulations: was part-time work regulated by governmental acts or by collective agreements? Did it allow women to make careers for themselves? With respect to the violations referred to in paragraph 115, was the application of the European Community Directive automatic or did the woman have to take action on her own behalf? Had the Vocational Training Act had any impact on lowering the unemployment rate? With regard to unemployment, would the recent immigration of nationals from the German Democratic Republic pose a problem in that sphere?

75. Ms. ILIĆ, returning to the issue of low salaries raised by Ms. Gonzalez Martinez and having taken note of the statistics on that matter provided in annex I of the amendment, was astonished that there should still be that type of discrimination after the ratification of ILO Convention No. 100 in 1956 and the Convention on the Elimination of All Forms of Discrimination against Women in 1985. There must be some way to speed up the action designed to eliminate that discrimination. What was the role played by Governments, trade unions and employers in that area and what was the time-frame?

76. Ms. GUAN, referring to paragraph 154, asked what society's attitude was towards a father who took child-raising leave subsequent to the mother's maternity leave. Were there many such fathers and under what circumstances did they take such leave?

Article 12

77. Ms. CORTI took up the questions raised by Ms. Oeser with respect to child-care facilities and by the Chairperson on the subject of AIDS. What measures had been taken in the Federal Republic of Germany to prevent the spread of the epidemic and what statistics did the Government of the Federal Republic of Germany have with respect to the disease? She would also appreciate more detailed information with respect to steps taken in the Federal Republic of Germany to provide child-care facilities, to which Mrs. Lehr had referred in her statement.

78. Ms. GONZALEZ MARTINEZ wished to know the extent of the drug problem in the Federal Republic of Germany and to what degree women were affected.

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79. The CHAIRPERSON asked what was being done in terms of health care for immigrant women, whose language and culture were different.

Article 15

80. Ms. CORTI welcomed the fact that the new family legislation of the Federal Republic of Germany had abandoned the idea of the "housewife". She observed that, in certain countries, housewives were organizing and were claiming special benefits, housework being viewed as having a social value. Was there a movement in the Federal Republic of Germany similar to the very strong one, for example, in Italy? What was the policy of the Government of the Federal Republic of Germany in that field and were there any bills under consideration?

81. Ms. LAIOU-ANTONIOU raised the issue of older, divorced women who found themselves without any social security. The Federal Republic of Germany was one of the few countries with legislation designed to protect that category of women, but there was no reference in the report to that matter. What was the nature of that legislation and how was it implemented?

82. Ms. FORDE, referring to paragraphs 184 and 185 of the report, expressed concern at the signs of a difference in treatment regarding certain categories of children. She wondered if children born out of wedlock were legally protected in the Federal Republic of Germany, in particular from the viewpoint of child support and inheritance rights. With respect to property rights, it was her belief that the three régimes described in paragraph 191 might pose problems. She wished to know which régime was chosen the most often and what problems for women arose from those régimes upon the dissolution of the marriage, whether due to divorce or the death of the spouse.

83. Ms. AKAMATSU asked, in reference to the choice of family name, whether married women frequently took the name of their husband and if there were any cases where the family name was that of the wife.

84. The CHAIRPERSON thanked the representative of the Federal Republic of Germany for her excellent presentation of her country's report and thanked the Committee members for their participation.

85. Mrs. LEHR thanked the Committee members for their judicious questions and explained that the addendum to the report had been submitted late because it contained very recent information. She would do her best to respond in detail to the questions which had been put.

The meeting rose at 6.25 p.m.

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Against Women

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Ninth session

SUMMARY RECORD OF THE 153rd MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1990, at 10 a.m.

Chairperson: Ms. EVATT

later: Ms. GUAN Minqian

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Republic of Tanzania (CEDAW/C/5/Add.57 and Amend.1)

1. At the invitation of the Chairperson, Ms. Mongella (United Republic of Tanzania) took a place at the Committee table.

2. The CHAIRPERSON said that in May and July 1989, States parties to the Convention had been notified that the deadline for submitting supplementary material for consideration by the Committee was 1 September 1989. The supplementary report submitted by the United Republic of Tanzania had been received in November 1989, and the Tanzanian Government had been informed in December 1989 that since the report had arrived beyond the deadline it might be more appropriate to present the material orally. Although the supplementary report had in fact been translated, it was currently available in English only (CEDAW/C/5/Add.57/Amend.1). It was regrettable that the Committee had received the material in question so late, since the members of the Committee would be able to put questions to the Tanzanian delegation only on the basis of the original material submitted in document CEDAW/C/5/Add.57. She noted, however, that document CEDAW/C/5/Add.57/Amend.1 contained a considerable amount of useful material and wished to thank the Tanzanian Government for its efforts.

3. Ms. MONGELLA (United Republic of Tanzania) said that she wished first of all to apologize for the late submission of her country's amended initial report (CEDAW/C/5/Add.57/Amend.1). That delay was attributable largely to the effects of underdevelopment.

4. It was the policy of the United Republic of Tanzania to provide adequate safeguards for women's rights, including the rights to equal education and equal employment opportunities. In general, there was equality of the sexes at all levels. Despite the Government's efforts, however, women were still lagging behind men in numerical terms and sex discrimination persisted in both the public and private sectors. The low rate of female participation and the various forms of discrimination were a consequence of social and economic factors and of both traditional and modern sexist attitudes.

5. The Convention, which had been ratified by Tanzania in August 1985 and had entered into force there in September 1985, was being implemented through the concerted efforts of the ruling party, the Government, non-governmental organizations and the private sector. Articles 13 to 24 of the Constitution laid down the right to equality, the principle of equality before the law and the rights to life, freedom of conscience and freedom to work. Article 13, paragraph 5, of the Constitution provided a broad definition of the term "discrimination", but discrimination on grounds of sex was not expressly covered. That notwithstanding, ratification of the Convention had strengthened national efforts to eliminate discrimination against women.

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(Ms. Mongella, United Republic of Tanzania)

6. In Tanzania, various effective forms of action other than the adoption of legal measures had been taken by the Government, public bodies and private or voluntary organizations to accelerate the process of achieving *de facto* equality for men and women.

7. Tanzanian women had always been encouraged to be in the forefront in the political arena. An increasing number of women were now Members of Parliament, ministers and principal secretaries, as well as party executive secretaries, and there had been a deliberate move to increase the number of seats for women in Parliament as a step towards eliminating discrimination in all areas of life.

8. Education Act No. 25 of 1978 provided a legal mandate for the formulation and implementation of a national education policy that was more in accord with current realities. The Act laid down universal standards and prohibited discrimination on grounds of race, religion, sex or political beliefs. Section 5.6 was particularly noteworthy. Since 1977, the Government had provided primary education as a basic human right to every Tanzanian. Female enrolment as a percentage of total enrolment was: 49.7 per cent at the primary level; 41.3 per cent at the secondary level; 41.6 per cent in teacher training; 5.1 per cent in technical education; and 16.9 per cent at university level. Non-formal education was also universal. Currently, only 7.1 per cent of Tanzanian men and 12 per cent of Tanzanian women were illiterate.

9. Female enrolment was lower at the higher educational levels because female students tended to concentrate on subjects that ultimately hampered their full social awareness and their participation in development. There had always been a discrepancy between Government and party statements on education for women and the actual level of education attained by women. Factors that had contributed to that situation were social attitudes, the traditional division of labour, and social and economic changes that had an impact on the Government's ability to implement its policies. In particular, the structural policies being implemented by international lending institutions were having an adverse effect on the implementation of Government policies.

10. The National Health Policy advocated the promotion of health for all by the year 2000, in accordance with the Declaration of Alma-Ata. Health services were provided by the Government, para-State organizations, voluntary agencies and private institutions. Voluntary agencies provided 30 to 40 per cent of health services, mostly in rural areas. Private institutions played an important role in urban areas and had the potential to provide preventive services. Traditional healers and traditional birth attendants also provided a considerable amount of health care. In 1988, the health infrastructure had comprised 152 hospitals, of which 108 were run by the Government.

11. There was a shortage of health services for women and the referral system gave rise to delays in obtaining health care. Maternal mortality and morbidity were high, as were perinatal mortality and infant and child mortality and morbidity.

(Ms. Mongella, United Republic of Tanzania)

Life expectancy at birth was 50 years for men and 53 years for women. The crude birth rate was 50 per 1,000, while the crude death rate was 15 per 1,000. The fertility rate remained high, with each woman bearing an average of seven children during her reproductive life. Sixty to 70 per cent of pregnant women received pre-natal care at health facilities, while 30 to 40 per cent were cared for by traditional birth attendants in rural communities. Employed pregnant women were entitled to 84 days of maternity leave with pay if the leave was taken at least three years after the previous maternity leave, and without pay if it was taken less than three years after such leave. In some rural areas, pregnant women were relieved of heavy work in late pregnancy. Sixty per cent of pregnant women had access to free medical and health care facilities at maternal and child health units. Following delivery, mother and child stayed at the health facility for a period ranging from one day to one week. In some rural communities, lactating mothers were cared for by other family members for several months after delivery. However, owing to changing life-styles and the current social and economic situation, most women did not rest during pregnancy and did not even rest properly or have adequate nutrition after delivery.

12. The Constitution guaranteed the individual's right to equal employment opportunities irrespective of sex. Employment was governed by Employment Ordinance CAP 366 and Security of Employment Act CAP 574. Under Employment Ordinance CAP 366, the standing order of 1971, D.20 (a) was particularly relevant. In practice, however, there was still some discrimination against women in employment. That situation was due in part to a number of subjective factors, such as muscular ability, differences in education and technical qualifications, and differences in family responsibilities. There were also a number of social and economic factors, such as traditional social values, poor information systems, inadequate legal enforcement and lack of legislation enabling women to play their dual roles. Rural women were the backbone of the economy because they were actively engaged in agricultural production, working hard under very difficult conditions. A number of measures and programmes had been developed to enable such women to participate in and benefit equally from national development.

13. Under the Constitution, every citizen had the right to play an equal role in government at the local, regional and national levels. However, since women had been historically disadvantaged in politics, the ruling party and the Government had introduced a quota system guaranteeing a minimum number of seats for women at different levels of decision-making in political organs. In Parliament, for example, 15 seats were reserved for women, who were none the less entitled to compete with men in constituencies and for other national seats. In the national executive of the ruling party, 10 seats were reserved for women.

14. The CHAIRPERSON, speaking in her personal capacity, said that the United Republic of Tanzania displayed a strong commitment to improving the status of women. In particular, she wished to commend the Tanzanian Government for its efforts to improve education and health services for women and to extend health services to rural women.

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15. Ms. SINEGIORGIS said she was pleased that the Government of the United Republic of Tanzania had ratified the Convention on the Elimination of All Forms of Discrimination against Women without any reservations. Its initial report (CEDAW/C/5/Add.57 and Amend.1) provided ample evidence of the Government's efforts to promote women's equality. Amendment 1 to the initial report contained a wealth of information which was in keeping with the guidelines for initial reports and with the articles of the Convention. She was especially impressed by the literacy rate in Tanzania, since her country had been struggling for years with the monumental task of eliminating illiteracy.

16. Ms. LAIOU-ANTONIOU said that, having studied the initial report of Tanzania and the amendment thereto, it was her impression that the Tanzanian Government was eager to give due attention to women's issues. However, the Government was not taking decisive steps to create special machinery at government level and to adopt special policies for the advancement of women which could contribute to the overall plan for the economic and social development of the country. The formulation of a definite population policy could have a decisive effect on women's issues. The appointment of five women cabinet ministers had been a token of goodwill on the part of the Government. However, much more could be done to promote the participation of women in government, and she wished to hear more about the principal obstacles confronting the Tanzanian Government in that area. In addition, the Government should take more vigorous action to eliminate the conditions, policies and practices which impeded the equality of women.

17. Ms. ILIĆ said that it was encouraging to note that the Tanzanian Government had realized that its initial report (CEDAW/C/5/Add.57) had been inadequate. Amendment 1 to that report answered most of the questions raised by the original report.

18. Tanzania had inherited customs and traditions which were not in keeping with the Convention. She had therefore been surprised not to find a reservation stating that the Government would try to rectify that situation, since it affected the equality of men and women in their basic roles.

19. The Law Reform Commission was examining different laws regarding child welfare; she would like to have some information about the new laws envisaged by the Commission and the timetable for the eradication of existing inequalities.

20. Ms. DIALLO SOUMARE congratulated the Tanzanian Government on its unqualified ratification of the Convention and its efforts to enhance the status of women. Without the advancement of women, developing countries could not develop, particularly in view of the significant role of women in the economy. She regretted that the amendment to the initial report had not yet been issued in French.

21. Ms. SCHÖPP-SCHILLING asked how the Tanzanian Government had been able to ratify the Convention without any reservations, when Tanzania had a small Islamic population whose practices were not in keeping with the Convention. She wished to know whether the Government had found time to make an extensive study of existing customs and had developed a plan to deal with them.

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(Ms. Schöpp-Schilling)

22. Since the practices of international lending institutions had a negative effect on the status of Tanzanian women, she wished to know whether the Government made it a policy to ensure that any negative consequences did not affect women more adversely than they did men, and whether it specifically requested lending agencies to finance programmes for women in Tanzania.

23. Ms. UKEJE said that she had been encouraged by the efforts of the Tanzanian Government to include women in national machinery. Unfortunately, it was difficult to eradicate deep-rooted traditions and customs. Those would die out in due course but, for the time being, certain countries would have to live with them.

24. Ms. GUAN MINQIAN said that the amendment to the initial report was well-organized and very informative. She was particularly concerned about mortality and morbidity rates and population growth in Tanzania. Population growth had a profound effect on economic progress and she was pleased to note that the Tanzanian Government had almost completed the drafting of a population policy. The practice of giving paid maternity leave only at intervals of three years or more was a very sound one and she wished to know to what extent it was effective.

25. Ms. PILATAXI DE ARENAS said that the initial report of Tanzania was evidence of that country's efforts to achieve the goals of the Convention. She was aware of the difficulties encountered in eradicating traditions. It was clear that the Government had accepted that challenge and she believed that it would succeed in ending male domination and eliminating discrimination against women.

26. She wished to know whether the Convention was invoked in legal cases in Tanzania and what was being done to disseminate its provisions. She also wished to know what other action the Government was taking to advance the cause of women.

27. Ms. BERNARD said that while the Tanzanian Government was attempting to implement the Convention, traditions could not be eradicated easily. Low educational levels and widespread illiteracy were preventing Tanzanian women from being promoted to responsible positions. She hoped that the Government would assist women in overcoming such obstacles.

28. Ms. WALLA-TCHANGAI commended the determination of the Tanzanian Government to promote women's equality by endeavouring to implement the Convention. She wished to know more about the current status of Tanzanian women and about the specific obstacles encountered by them prior to Tanzania's ratification of the Convention.

29. Ms. NOVIKOVA commended the frankness of the amendment to the initial report. She sympathized with the priorities of the Tanzanian Government in its efforts to promote women's equality in such areas as health and education. Health and education were particularly important for women since they had a direct impact on the female labour force. She wished to commend those developing countries which had ratified the Convention without any reservations.

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(Ms. Novikova)

30. Additional information should be provided on the Division of Women and Children, for example, the type of financing available, sources of financing, the number of people employed in the Division and the effectiveness of its policies.

31. Ms. AKAMATSU commended the representative of Tanzania on her introduction, the initial report itself and the informative and frank case study of her country's social structures. Although its late submission was regrettable, the extensive amendment to the initial report demonstrated the seriousness of purpose of the Tanzanian Government with regard to women's issues. Great efforts had clearly been made to achieve equality between men and women, particularly in the areas of politics and education. At the same time, discrimination persisted in matters of family life and law.

32. Ms. GONZALEZ MARTINEZ said that she had been quite concerned at the lack of time available to study the amendment to the initial report and the fact that it had been issued in English only. She wished to congratulate the representative of Tanzania on her presentation and to thank her for all the additional details she had provided, which compensated for the rather limited scope of the original report. Like many third world countries, Tanzania was facing very serious economic problems which imposed a heavy burden of labour on its female population, to whom she wished to pay tribute.

33. Ms. ALFONSIN DE FASAN commended the Tanzanian Government for its efforts to advance the status of women. While obstacles to complete equality remained, progress had been steady. It was essential that Tanzanian women be mobilized so that they too could be a force for achieving equality under the law.

34. The report stated that although men and women had equal rights under the law in Tanzania, there were certain provisions which did not take women's interests into account. She wished to know whether a system might be implemented under which women's rights could not be infringed.

35. The CHAIRPERSON invited the members of the Committee to consider the report with regard to specific articles of the Convention.

Article 2

36. Ms. CORTI expressed admiration for the report and, above all, for the manner in which the issue of women's equality was being dealt with in Tanzania, where great efforts were being made to abolish traditional customs and to achieve *de facto* equality.

37. In her comments on article 2, she would refer only to the original report (CEDAW/C/5/Add.57) and not to the amendment. The Marriage Act of 1971 gave women the right to own and dispose of property, making them equal partners in marriage. She wished to know whether that right was granted under both administrative and common law. The representative of Tanzania had said that while most women were entitled to 84 days of paid maternity leave, there were some cases in which that

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(Ms. Corti)

right was not granted. She would appreciate further clarification and wondered whether legal measures were envisaged to extend that right to all women. She commended the Government on exempting women from the two years of work experience normally required before entering an institution of higher education.

38. Ms. ESCOBAR asked how many women were serving in public ministries in Tanzania and whether there were any women judges. In general, did the law provide for the punishment of those who engaged in discriminatory practices?

39. Ms. LAIOU-ANTONIOU disagreed that customary practices and traditions which entailed discrimination against women would gradually disappear. Instead of waiting for customs to die out, Governments had a responsibility to intervene actively to change social structures. She wondered, therefore, whether the Tanzanian Government had any plans to abolish the dowry custom, pursuant to article 2 of the Convention.

40. Ms. Guan Mingian took the Chair.

Article 3

41. Ms. CORTI noted that paragraph 2.4 of the original report (CEDAW/C/5/Add.57) stated that the legislations and creeds safeguarding women's rights and equality were implemented by several bodies, such as the judiciary. The amendment to that report (CEDAW/C/5/Add.57/Amend.1) referred to the establishment of various bodies responsible for promoting women's development. She would appreciate more information on the nature of those bodies and their achievements.

42. According to the report, Tanzanian women had recently become more aware of their rights under the law. How had such information been disseminated and had any cases of discrimination against women been brought before the courts?

43. Ms. ALFONSIN DE FASAN said it was her impression that the Tanzanian Government was prepared to respect the Convention fully and stood ready to assist the population in accepting the changes needed to achieve women's equality.

44. Ms. SCHÖPP-SCHILLING said that she had been impressed by the efforts of the Tanzanian Government to establish divisions for women's affairs within existing ministries. She wished to know how those divisions operated, how their activities were co-ordinated and how duplication of effort was avoided. She wondered whether a national plan of action for women was being implemented and, if that was not the case, how the Government would view such an idea.

45. Ms. LAIOU-ANTONIOU said she would appreciate more information on women's rights to buy and own land and on any plans to abolish customs that prevented women from exercising such rights.

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46. The CHAIRPERSON, speaking in her personal capacity, said that according to the report, there was no automatic prosecution of rapists and no minimum punishment for offences of that nature. She wished to know the position of women's organizations in Tanzania on that matter.

Article 4

47. Ms. CORTI said that since the report made frequent reference to traditional practices that impeded women's advancement, she wished to know whether the Government was planning to take special measures, other than those already mentioned, to bring about equality between the sexes. To assist women in the informal sector, the Government was emphasizing the use of appropriate technologies and she would appreciate more details on the type of technologies being introduced.

48. Ms. LAIOU-ANTONIOU said that she had been particularly interested to read about the efforts of the Tanzanian Government to support and promote co-operative movements. There seemed to be a contradiction between such efforts and the fact that by law women were not permitted to obtain bank loans and other financial support. She wished to know whether the Government was envisaging any measures to assist women in rural areas in forming co-operatives and obtaining loans.

Article 5

49. Ms. CORTI said that the report stated that the school drop-out rate was increased by the fact that early marriage often forced female children to abandon their studies. In that connection, she would appreciate a more precise definition of the term "pre-arranged marriages", including the minimum age required to enter into such a marriage.

50. Ms. DIALLO SOUMARE said that, given the weakening of parental authority, she wondered how the Tanzanian Government handled the problem of family education. She also wished to know what measures had been taken to co-ordinate Government priorities with those of women's organizations, and what results had been achieved.

51. Ms. SAYOGYO said that she had been impressed by efforts at both the national and local levels to promote the role of women, particularly in agricultural activities. Did any studies exist on the division of labour between men and women with regard to household tasks and income-producing labour? It was her impression that females dominated the agricultural system in Tanzania as a result of both the custom of polygamy and the pressures on males to migrate to cities in search of industrial jobs.

52. Ms. UKEJE said she would appreciate some clarification with respect to incentives for women in the family area. Was the Tanzanian Government encouraging women to have more children?

53. Ms. SCHÖPP-SCHILLING said that she would like to have more detailed information on the problem of young women dropping out of school because of pregnancy. In particular, she wished to know whether family planning was part of the school curriculum.

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54. Ms. PILATAXI DE ARENAS said she would like more information on the issue of assessing the value of women's work in money or in kind. In particular, she wished to know how the general public and the Government viewed that issue.

55. The report stated that FAO and UNICEF had carried out certain programmes in Tanzania, particularly in the area of education for family life. She wished to know whether those programmes had been successful.

56. Ms. ESCOBAR asked what percentage of women in Tanzania worked solely as homemakers.

57. Ms. TALLAWY said that the excellent introduction and frank comments by the representative of Tanzania had diffused any negative feelings in the Committee. Even prior to its ratification of the Convention, the Tanzanian Government had been doing everything possible to promote the advancement of women. As in any developing country, a number of problems remained to be solved. However, aside from its late submission, the report could serve as an excellent example to other developing countries.

58. Since Tanzania was a country with many ethnic groups, she wondered how the Government managed to reconcile their various traditions in enacting measures to improve the status of women.

59. Ms. LAIOU-ANTONIOU asked whether female circumcision was practised in Tanzania and to what extent. Did Tanzania participate in the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children and had that body made any specific recommendations with respect to Tanzania?

60. The CHAIRPERSON, speaking in her personal capacity, asked whether any measures had been taken to change the social attitudes underlying discriminatory practices against Tanzanian women.

Article 6

61. Ms. LAIOU-ANTONIOU said that she would appreciate some clarification of the situation of prostitution in Tanzania.

62. Ms. SAYOGYO asked what measures had been taken to control prostitutes as well as their clients.

63. Ms. BERNARD asked whether there was a specific law prohibiting prostitution. According to the report, chapter 16 of the Tanzanian Penal Code provided punishment only for those who exploited prostitutes.

64. Ms. ESCOBAR asked how many women teachers there were in Tanzania and what measures existed or were planned to encourage more women to become teachers.

Article 7

65. Ms. LAIOU-ANTONIOU asked whether there was a women's movement in Tanzania, what were the major women's mass organizations and what their demands were.

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66. Ms. GONZALEZ MARTINEZ said she would like more information about the position of women in political life. Concerning the reservation of seats for women in Parliament and in the party, a quota system was useful only if it was used as a temporary, positive measure. Tanzania's initial report did not indicate the percentage of women in the party, the Government, Parliament or the judiciary. She would also like to know more about the composition of women's organizations.

67. Ms. SCHÖPP-SCHILLING said she understood the need for quotas but would like more data on the extent to which women were able to advance outside the quota system. She also wanted to know how the Women's Organization of Tanzania (UWT) was viewed and how its decisions were reflected in party and Government policies.

68. Ms. OESER asked how it was that the percentage of women in the party's Central Committee had dropped from 14 per cent to 5 per cent despite the official policy of promoting women. She also wanted to know how many women were affected by early pregnancy and pre-arranged marriages.

69. Ms. DIALLO SOUMARE asked how the progress already made was being consolidated and how the political role of women was to be promoted even further.

Article 9

70. Ms. AKAMATSU observed that discrimination still existed in Tanzania in respect of family law. She wished to know whether children received Tanzanian nationality when the mother was Tanzanian but the father was not.

Article 10

71. Ms. ALFONSIN DE FASAN asked what was being done to care for children whose mothers were in prison.

72. Ms. SAYOGYO drew attention to page 35 of the amendment to the initial report (CEDAW/C/5/Add.57/Amend.1) and asked for information on changes in the pattern of male as well as female enrolment in education.

73. Ms. PILATAXI DE ARENAS said that the statistics given in the report showed that the increase in school enrolment for girls was not as great as the increase for boys. Turning to the table on primary school drop-out rates (CEDAW/C/5/Add.57/Amend.1, p. 64), she asked whether any study had been made of the reasons for dropping out of school, such as death and pregnancy. In particular, what was meant by death as a cause? Did schools provide sex education or health services? Did they make any effort to stress the responsibility of fathers? She commended Tanzania's excellent and highly successful literary programmes, which could well be studied by others.

74. Ms. WALLA-TCHANGAI asked whether any efforts had been made, through scholarships and the like, to encourage vocational training for girls in non-traditional sectors.

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75. Ms. GUAN MINQIAN asked whether the rule that an expelled student could not return to school had an adverse effect on literacy rates.

76. Ms. LAIOU-ANTONIOU asked what the many girls who dropped out of school did afterwards. Did they work? Did they help in the fields? She also wished to know whether the co-educational system would become compulsory and at what age girls usually got married.

Article 11

77. Ms. DIALLO SOUMARE asked what measures were planned by the Government or by women's organizations to combat discrimination against women in public and private enterprises. What measures were being taken to integrate women into the private sector and to promote them and keep them there? She would also appreciate some information on self-help groups and women's co-operatives. What measures were being planned to organize such initiatives and what difficulties had been encountered?

78. Ms. GONZALEZ MARTINEZ said that Tanzania's initial report showed that women's participation in the wage-earning employment sector had increased far less than men's and that 97.8 per cent of economically active women were engaged in agriculture (CEDAW/C/5/Add.57/Amend.1, p. 83). Women bore the brunt of the work in the home and also in agricultural production, where they received no fixed wages or social protection. She wondered how they could be, and how they were being, protected.

79. Ms. AKAMATSU drew attention to paragraph 2.22 on page 8 of document CEDAW/C/5/Add.57 and asked just how much time women actually spent on maternity leave.

80. Ms. SAYOGYO asked how much women earned in the informal sector as compared with men and by what percentage their earnings had increased as compared with men.

81. Ms. ESCOBAR asked what action the Government was taking to end discrimination against women by enterprises and what percentage of the labour force were women.

Article 12

82. Ms. CORTI asked what percentage of medical and health personnel were women. Concerning family planning, she wished to know how contraceptives were distributed and whether they were provided free of charge. The report stated that 5 to 7 per cent of women between the ages of 15 and 44 used modern family planning methods, of whom 87 per cent used oral contraceptives. What were the traditional methods of contraception? Was there discrimination against unmarried women in terms of access to family planning services and, if so, what was the attitude of non-governmental organizations? Did women have to obtain their husbands' permission before undergoing sterilization or did they have a free choice?

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83. Ms. LAIOU-ANTONIOU noted that abortion was legal in Tanzania when the mother's life was at risk. What kind of risk did women actually have to prove before they were entitled to an abortion? Life expectancy for women was very low in Tanzania and she wondered whether that could be attributed in any degree to excessive smoking or drug use.

84. Ms. PILATAXI DE ARENAS asked whether there were any traditional customs, such as self-mutilation, that affected the health of women and what measures were being taken to eliminate them.

85. Ms. ESCOBAR asked whether a husband must obtain his wife's permission before he could be sterilized. She would also like more information about the country's health programmes.

86. Ms. WALLA-TCHANGAI asked what was being done about prostitution and to help prostitutes.

87. Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) announced that the Convention had just received its 100th instrument of ratification, from Trinidad and Tobago.

The meeting rose at 1 p.m.

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Ninth session

SUMMARY RECORD OF THE 154th MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Organizational matters

This record is subject to correction.

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Republic of Tanzania (CEDAW/C/5/Add.57 and Amend.1) (continued)

Article 13

1. Ms. SCHOPP-SCHILLING asked what rights single women had with respect to immovable property and to what extent they were able to obtain credit. With reference to article 11 and, in particular, to the drive to promote the establishment of day-care centres at workplaces, she wished to know the results of that drive and where - in urban or rural areas - such day-care centres had been opened.

2. Ms. PILATAXI DE ARENAS asked which women were not entitled to family benefits and whether the confusion in that regard was due to the Constitution or to improper implementation. With regard to restrictions on rights to property and inheritance, which were accorded to women under almost all constitutions, she wished to know if there were in Tanzania any female legal experts who might press for the elimination of those provisions and of all other discriminatory legislation.

3. Ms. LAIOU-ANTONIOU asked what action Tanzania intended to take in connection with women's access to credit and bank loans. With regard to article 14, she asked whether, in view of the predominant role which women played in the agricultural sector, they had at their disposal any special programmes for training in the use of machines or information on modern agricultural methods.

Article 14

4. Ms. SAYOGYO asked what measures had been taken to evaluate projects designed to strengthen the role of women in rural areas and what resources were available to ensure that such projects were of lasting effect.

Article 15

5. Ms. DIALLO SOUMARE wished to know if there was a family code in Tanzania. If so, she would like to have further information; if not, she wished to know if there were plans to establish one. It would also be useful to know whether the Tanzanian Government intended to address the problems of inheritance and women's access to property.

Article 16

6. Ms. ALFONSIN DE FASAN asked whether the day-care centres mentioned under article 16 had in fact helped to reduce the burden on working women, whether there

were plans to establish further centres and whether it was intended to set up other less costly means of providing child care. In that connection, she suggested that a meeting of United Nations experts be held for the purpose of securing informed opinions.

7. Ms. LAIOU-ANTONIOU asked what happened to a couple's shared possessions in the event of a divorce.

8. Ms. SCHOPP-SCHILLING wished to know what percentage of women were heads of households, whether they were increasing in number and whether the Government was attempting to improve their situation by means of training programmes, allowances or welfare benefits. She also asked whether divorce was viewed negatively by Tanzanian society and whether current legislation relating to family matters was enshrined in written statutes or a matter of custom.

9. The CHAIRPERSON wished to know how women's health was affected by traditional practices such as excision, including their effect on maternal and infant mortality rates, and whether any related measures had been taken.

10. Ms. OESER inquired as to the results both of efforts to make public opinion aware of the dowry problem and of the drive to establish day-care centres.

ORGANIZATIONAL MATTERS

Report of the pre-session working group (CEDAW/C/CRP.12)

11. Ms. TALLAWY, introducing the report of the working group, said that the group, which had met from 17 to 19 January 1990, had been entrusted with the task of drawing up a list of questions, arranged by articles, for the five following countries: Canada, Egypt, Mexico, Mongolia and the Ukranian Soviet Socialist Republic. In its work, it had followed the guidelines for the consideration of second reports and the various recommendations of the Committee concerning the presentation of reports. The group had considered the initial reports of those countries in order to determine which questions had remained unanswered. Its objective had been to evaluate the situation with a view to identifying what progress had been made and what obstacles remained to be overcome, while endeavouring to maintain a balance in accordance with the specific situation of each country.

12. The working group should have had more time to carry out its task. If further sessions were to be held in the future, the Committee should preferably extend them by one or two days, particularly if the number of second reports submitted were to increase.

13. The CHAIRPERSON, recognizing the useful functions of the working group, expressed her belief that the group should continue to meet in the future. Given that there would certainly be more reports to consider the following year, it would be desirable if the preliminary sessions were increased in length to four or five days.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Malawi (CEDAW/C/5/Add.58 and Amend.1)

14. At the invitation of the Chairperson, Ms. Chibwana (Malawi) took a place at the Committee table.

15. Ms. CHIBWANA (Malawi), introducing her country's report, said that, following the withdrawal of reservations with respect to certain provisions of the Convention, a number of amendments had been made which completed and highlighted the information contained in the initial report. She emphasized that the Government of Malawi had taken numerous measures in all areas of activity with a view to making up for inadequacies in national legislation and correcting instances in which women were subject to discriminatory treatment.

16. In the agricultural sector, for example, women now had available to them facilities which included access to credit. Special programmes had been established for their benefit. They were also encouraged to embark on training in sectors such as veterinary medicine, agronomy and plant biology. In education, the Government had launched an adult literacy programme of which the majority of beneficiaries had been women. In the legal domain, provisions had been enacted to protect women's rights and interests and had been incorporated in the Penal Code. The National Commission for Women in Development (NCWD), entrusted with co-ordinating action at the national level, constantly monitored laws and oversaw their application in order to eliminate any discriminatory elements. At the political level, the Malawi Congress Party had had, since its creation, a women's wing through which women were able to participate in debate. In the social, economic and cultural fields, women's organizations had been established in order to promote the advancement of women.

17. The CHAIRPERSON thanked the representative of Malawi for presenting her country's initial report and the supplementary information on progress made since 1988. She welcomed the fact that the reservations entered by Malawi on ratifying the Convention had been withdrawn. She then opened the debate on the report.

18. Ms. PILATAXI DE ARENAS said that it was important for Malawi to solve the problem of the applicability of the Convention, since it was an extremely valuable instrument for the achievement of equal rights.

19. Ms. DIALLO SOUMARE said that she was gratified that the Government of Malawi had ratified the Convention, presented its initial report as supplemented by the statement just read out by its representative and withdrawn its reservations. The text of the Convention should be widely disseminated in the country, and it should serve as a benchmark for the National Commission for Women in Development.

20. Ms. SINEGIORGIS said that Malawi was one of the few countries that had observed the two-year deadline for submission of initial reports. With regard to article 2 of the Convention, it could be noted from the report that the Government

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(Ms. Sinegiorgis)

was determined to remove all traces of discrimination in the practical application of laws. One of the most important elements, and one that required immediate action, was the inclusion of the word "sex" in the Constitution, just as it appeared in the Universal Declaration of Human Rights.

21. Ms. WALLA-TCHANGAI said she would like to know if there was a government institution entrusted with women's issues that might accelerate the process of their integration in development. Given the *de facto* discrimination against women in agriculture, she wondered whether their large numbers might not allow them to form co-operatives, thereby facilitating their access to credit and technical support.

22. Ms. UKEJE (Rapporteur) said that, given the strength and endurance of custom in African society, the withdrawal of Malawi's reservations to the Convention was all the more praiseworthy.

23. Ms. SCHOPP-SCHILLING welcomed the progress made by Malawi since the preparation of its initial report. She hoped that the Government would incorporate into the Constitution a prohibition of discrimination based on sex, because the experience of many countries had shown that the provisions of the Constitution served as a basis for all subsequent legislative enactments. She would like to know the geographical distribution and composition of ethnic groups. She would also like to know whether it was the case that matrilineal groups, were more disposed towards women's equality than patrilineal groups, and whether the customs of the groups found expression in political action.

24. Ms. OESER said it was regrettable that the report did not convey a precise idea of the state of social development in Malawi, since it was on that that the situation of women directly depended. She would, for example, like to have information on the adult literacy programmes, quotas in education, the number of women in positions of responsibility, etc. She wondered whether current laws could not be improved, since the report stated that, while none of them contained any discriminatory element in theory, the problem arose in connection with interpretation and application. She would like to know whether the Government was contemplating the inclusion in the Constitution of a prohibition of discrimination based on sex, since that would help to eliminate such customs as polygamy and child marriage.

25. Ms. GONZALEZ MARTINEZ said that she had been unable, on reading the report, to form a clear idea of the goals and aspirations of the women of Malawi. She would like to know whether the National Commission for Women in Development was a government body or one made up of women and entrusted with the task of elaborating programmes for the advancement of women.

26. Ms. CORTI said she believed that Malawi was a small country that was prey to grave economic difficulties. The effort that it had made to submit its report within the time laid down was all the more praiseworthy. She also welcomed the fact that it had withdrawn its reservations to the Convention.

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(Ms. Corti)

27. While Malawi accorded great importance to agriculture, the role of women, who were very numerous in that sector, had not received the recognition that it deserved. It was endeavouring to grant recognition to that role and to improve the access of women to agricultural credit and give them the opportunity to establish individual or co-operative enterprises. Efforts were also being made to provide women with agricultural training and to redress the evident imbalances between men and women in other sectors of education, such as veterinary medicine, agronomy and plant biology. With regard to the policy of increasing the number of women employed in the legal system and the police, she wondered whether women's participation in other sectors should not be increased. She would also like to know to what extent the Convention was helping Malawi to counter acts of discrimination against women.

28. The CHAIRPERSON invited the members to examine the report article by article, beginning with article 2.

Article 2

29. Ms. FORDE said that she would like clarification on three points. First, with regard to the National Commission, she would like to know if it considered its efforts to have been productive and if Malawi women knew of its existence and its work, and, if so, whether the tasks it had already accomplished met with their satisfaction. The Legal Committee recently created by the Commission had identified certain areas in which it intended to take action. She would like to know to what extent it managed to disseminate information on existing laws and their impact on women. Secondly, with regard to the statement that anyone discriminating against women would be met with the full rigour of the law, she wondered whether, apart from matters relating to penal law, cases of discriminatory practices could be brought before the courts. Lastly, she would like to know whether women's organizations existed alongside the governmental organizations, whether they were run by the women themselves and whether they formulated any proposals for the amendment of certain laws.

30. Ms. GUAN MINQIAN asked for details of the functioning of the National Commission.

31. Ms. SINEGIORGIS said that there appeared to be a contradiction under article 2 (g), where it was stated both that "Theoretically, there are no laws which discriminate against women in Malawi" and that "the Government would repeal any discriminatory national penal provisions". She would like clarification on the nature of those penal provisions.

32. Ms. ESCOBAR said that she would like to know more about the National Commission. She would like to know to what body the Commission was responsible; the number of its members and the manner in which they were chosen and, if it was the case that they were women, whether they represented different sectors of society; whether the Commission had its own budget; and whether it was competent to make suggestions to different ministries, such as the Ministries of Labour and

Education, on national policies for the benefit of women. She would, moreover, like to know how many women had become ministers in the past 10 years and the percentage of women in positions of responsibility in the civil service.

33. Ms. SCHOPP-SCHILLING said that she would like to have details on the nature of the legal areas identified by the National Commission as having, in practice, adverse implications for the situation of women. She would also like to know whether, in the past two years, the Government had acted on the basis of any recommendations the Commission might have made.

34. Ms. CORTI asked how the Commission collaborated with women's organizations in its work.

35. The CHAIRPERSON, referring to the question asked by Ms. Forde, asked whether non-governmental women's organizations had been consulted in the preparation of the report or the supplementary statement and whether the Government intended to publicize the Convention and the Committee's report in Malawi.

Article 3

36. Ms. SINEGIORGIS observed that the report said virtually nothing about articles 3 and 4. She would like the representative of Malawi to give some examples of the way in which article 3 was being applied in her country. With regard to article 4, it appeared that no temporary special measures had been taken. She would welcome further clarification of that point, and recalled that the two articles were very important.

37. Ms. PILATAXI DE ARENAS asked whether the withdrawal of the reservation with regard to deep-rooted usages meant that the traditional customs and practices which the Government had invoked in support of its reservation had now been eliminated. The representative of Malawi had said that much remained to be done and that the Government was relying heavily on education. She would like to know what the Government was doing in that area.

38. Ms. BERNARD commended the representative of Malawi on her country's report but expressed regret that the detailed introduction, which doubtless contained information supplementing the initial report, had not been presented earlier. She had not been able to study the introduction and it was possible therefore that it might contain the answers to any questions that she might have.

Article 4

39. Ms. SCHOPP-SCHILLING said that there appeared to be a 30 per cent quota for women in education. She wished to know at what level of education that quota was applied: at the primary level or at another level? If that percentage was correct, what criteria had been used to establish it given that women generally accounted for more than 50 per cent of the population?

Article 5

40. Ms. ESCOBAR noted that the Government was trying to change the image of Malawi women based on the fiction of "women's noble calling" and other stereotypes. She wished to know what kind of measures the Government had taken to eliminate those stereotypes and whether the media had been used. It was her understanding that clinics for the under-fives and prenatal clinics were all run by government agencies. What happened if the private sector did not follow the Government's lead?

41. Ms. FORDE asked what was meant by the expression "women's noble calling". While she commended the Government's efforts in the area of paid maternity leave, she wished to know why the private sector had to be urged to provide such leave, instead of being required to do so by law. She also wished to know whether there was any information on the incidence of violence against Malawi women.

42. Ms. ILIC expressed concern at the persistence of traditional attitudes towards women's place in Malawi society, which could hinder their participation in development. She welcomed the fact that the Government had decided to give priority to changing cultural attitudes, through action by the National Commission. She also welcomed the mandate entrusted to the Family Health and Welfare Committee.

43. Ms. GUAN MINQIAN said she too would like to know what was meant by the expression "women's noble calling", what measures had been taken to eliminate such stereotypes and whether the Convention had been invoked in support of such efforts.

Article 6

44. Ms. ESCOBAR asked what proposals the Malawi Government had actually adopted for eliminating the exploitation of women and whether there were any social advancement programmes designed to put an end to prostitution, which was caused by social and economic problems.

Article 7

45. Ms. ESCOBAR asked the representative of Malawi to provide information on non-governmental organizations for the protection and advancement of women and whether they received support from the National Commission.

46. Ms. SCHOPP-SCHILLING asked whether there was a quota for women in local councils and in Parliament and whether, in view of the existence of different ethnic groups, patrilineal groups were more resistant to women's political involvement than matrilineal groups. What was the percentage of women belonging to women's organizations? What percentage of women belonged to farmers' clubs and had the Government set numerical targets for increasing that percentage? It was her understanding that membership in a farmers' club was very important if a woman was to be able to receive training and credit.

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47. Ms. BERNARD said she would like to have some statistics on women who had benefited from measures to ensure equal access to opportunities for advancement in the Government hierarchy.

48. Ms. CORTI regretted the absence of information on women's participation in political life. She also wished to know how the State set about "discouraging teen marriages and providing incentives for women to excel in their academic endeavours".

Article 8

49. Ms. BERNARD noted that Malawi women participated in all international conferences, including sessions of the General Assembly. She wished to know in what capacity they did so, what proportion of Malawi's delegates were women and whether the international organizations concerned had appointed any Malawi women to senior decision-making posts.

Article 9

50. Ms. FORDE asked whether a Malawi woman could transmit citizenship rights to her child.

Article 10

51. Ms. FORDE noted that with 45 per cent of its inhabitants aged under 15, Malawi's population was a young one. Such a situation made education extremely important and provided an opportunity to eliminate stereotypes and instil non-traditional attitudes in both boys and girls. Was the Government taking advantage of that opportunity?

52. Ms. PILATAXI DE ARENAS requested statistics on the implementation of the article with regard to the situation of women in education.

53. Ms. ESCOBAR asked what the Government was doing to overcome socio-cultural resistance to the concept of family planning and what resources, contraceptive or otherwise, it was using for that purpose. Were there sex education courses where women could learn to plan their families and space births?

54. Ms. ILIC asked whether women had actually been receiving vocational guidance and whether more girls were now taking non-traditional subjects. She would also welcome information on the efforts made to lower female student drop-out rates, particularly among children, and whether those efforts were well received.

55. Ms. UKEJE pointed out that there was a discrepancy between school enrolment figures and the number of professional women. She wished to know whether, despite Malawi's economic problems, an official programme existed to encourage women to go into fields traditionally reserved for men, if only to reach the goal set for the year 2000 in the field of education.

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56. Ms. WALLA-TCHANGAI welcomed the success achieved by the family planning programme despite significant social and cultural resistance. She wished to know how many women who did not want any more children were sterilized. With regard to birth spacing, she asked whether spousal consent was required or whether the decision could be unilateral.

Article 11

57. Ms. ESCOBAR said she would like to hear about the situation of unemployed women and asked whether there were differences in salary for female workers.

58. Ms. SCHOP-SCHILLING asked what percentage of the women employed in the agricultural sector were wage earners and what percentage lived from subsistence farming. Was the Government aware that national development efforts might segregate women, since it was largely men who had access to monetary income and largely women who produced foodstuffs for home consumption and the local market?

Article 12

59. Ms. GUAN MINQIAN asked for specific information about the success achieved in the implementation of the family planning programme and asked what Malawi's fertility rate was.

60. Ms. GONZALEZ MARTINEZ said that one area where it was hardest to establish true equality between men and women was women's place in the family, a situation that held in most parts of the world. Nevertheless, she wished to know whether it was possible in Malawi to reform the indigenous practice of free union which authorized polygamy. There were two problems there which jeopardized women's true equality. First of all, polygamy was a system of partnership which benefited men alone. In addition, according to the report, there were no readily ascertainable rules for annulling a marriage in a polygamous union. Under those circumstances, women were placed in a position of inequality. They were virtually tied to a marriage which they might wish to end.

61. Ms. ALFONSIN DE FASAN, noting that the Government of Malawi was trying to improve the status of women, asked how the private sector viewed that effort and whether stronger measures could be taken so that women could enjoy social services comparable to those offered by the State. She asked for details about the National Commission's success in encouraging small-scale enterprises to provide their employees with social benefits. She asked whether there were child-care centres and other services for women, what assistance was provided in the case of illness and what occupational illnesses occurred most frequently among women.

62. Ms. BERNARD, referring to paragraph 2 under article 12, which stated that it was not "reasonable to expect the Government to provide adequate nutrition to mothers", asked what was being done for mothers in the area of nutrition.

63. Ms. SCHOP-SCHILLING wanted to know the maternal and child mortality rates in Malawi and asked whether there were customary laws, traditions or food taboos that applied to pregnant women.

64. The CHAIRPERSON pointed out that the Convention required Governments to ensure that women had the necessary means to feed themselves adequately during pregnancy and not that they should provide such food themselves. She asked whether there were traditional practices which were harmful to the health of mothers and children.

Article 13

65. Ms. ESCOBAR asked whether the National Commission planned to adopt legal measures to eliminate the required presence of male guarantors.

66. Ms. PILATAXI DE ARENAS said that, in so far as article 13 was concerned, there was clear-cut discrimination against women, particularly where family benefits and access to the property of deceased husbands were involved, since widows were dispossessed of all property upon the death of their spouse. What were government organizations and women's associations doing to eradicate that custom, which had an adverse effect on women?

Article 14

67. Ms. SAYOGYO noted that the report placed emphasis on the Government's efforts over 20 years to integrate women in society and asked whether there was genuine integration in the different sectors of the economy and whether women could participate in all economic activities on an equal footing with men.

Article 16

68. Ms. FORDE, referring to paragraph 1 (d) under article 16, which stated that there was no discrimination against single mothers, said it seemed that discrimination did exist with respect to their children, given their status as "bastards". Were there any legal provisions which guaranteed inheritance rights for children born out of wedlock? Also, what divorce laws were in force and how was property distributed when spouses separated?

69. With regard to the right to inheritance, she wished to know how it was applied, and whether it still contained restrictive provisions regarding women. The report of Malawi indicated that certain changes had been made in those laws; had women been informed of them?

70. Ms. PILATAXI DE ARENAS noted that the practice of polygamy was entrenched in customary law in Malawi. How did the country manage to reconcile the existence of two marriage régimes: civil marriage law and customary marriage, which authorized polygamy? The report indicated that the Legal Committee was considering that issue with a view to recommending reform; what type of reform was envisioned? What was the situation of mothers who were considered incompetent because they were minors or suffered from mental problems and how did this affect the care of their children, among other things? What was meant by the words "bastard" or "illegitimate" child? Did such children lack any entitlement to a parent's property? Also, were there any statistics on marriage by age group and legal measures regarding age at marriage?

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71. Ms. ALFONSIN DE FASAN expressed concern regarding the concept of "arranged marriages", referred to in paragraph 1 (b) under article 16. Was the Government making efforts to change attitudes in that field, particularly by emphasizing fundamental human rights in school programmes? Was it not possible to delete from legislative texts the derogatory concept of "bastard"?

72. The CHAIRPERSON, noting that Committee members had no more questions to put to the representative of the Malawian Government, said that many comments reflected their strong interest in the status of women in that country; she thanked the representative of Malawi for all the information she had provided.

The meeting rose at 6 p.m.

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of all Forms of Discrimination
Against Women

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Ninth session

SUMMARY RECORD OF THE 155th MEETING

Held at Headquarters, New York,
on Wednesday, 24 January 1990, at 10 a.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland (CEDAW/C/5/Add.52 and Amends.1-4)

1. At the invitation of the Chairperson, Mrs. Denham (United Kingdom) took a place at the Committee table.

2. Mrs. DENHAM (United Kingdom) said that the United Kingdom had deposited its instrument of ratification of the Convention on the Elimination of All Forms of Discrimination Against Women on 7 April 1986 and had submitted its initial report in May 1987. Ratification had also been extended to four of the Territories for which the United Kingdom was internationally responsible - the Isle of Man, the Turks and Caicos Islands, the British Virgin Islands, and the Falkland Islands and South Georgia and South Sandwich - whose initial reports were also before the Committee.

3. In accordance with article 18 of the Convention and the Committee's guidelines, the initial report described the framework within which the Convention was being implemented and gave specific information on how its provisions had been put into practice. The report attempted to provide a comprehensive survey of the position of women in the United Kingdom, both in law and in practice. That underlined the importance which her country attached to the rights set forth in the Convention, to which it continued to subscribe fully. Her Government, in formulating policy in the fields covered by the Committee, was very conscious of its international treaty obligations and of the rights embodied in the Convention.

4. There had been many developments in the United Kingdom since the initial report has been submitted and she would bring the Committee up to date on some of the main areas of progress.

5. Every Government department was concerned with policies affecting women. The main forum for co-ordinating their work and developing inter-departmental initiatives was the Ministerial Group on Women's Issues, chaired by the minister of the Home Office with special responsibility for equal opportunities. Its membership comprised ministers with policy responsibilities for issues of special concern to women, such as health, employment and education.

6. The Group had reviewed Government policy in areas covered by the Forward-looking Strategies for the Advancement of Women and had published the results in April 1987; it had also supervised the preparation of her country's initial report. The Group gave ministers the opportunity to examine and discuss women's issues and to co-ordinate the Government's response in such priority areas as child care, public appointments and domestic violence, in a way that would not otherwise be possible.

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(Mrs. Denham, United Kingdom)

7. The Group had also prepared model instructions which were the basis for anti-discrimination guidelines issued by departments, so that the impact of all policy proposals upon women was fully understood. That process was being reinforced by special seminars for senior staff at the Civil Service College and also in departmental training and was an example of how the Group built on experience and disseminated positive practices throughout the Government.

8. Another body, the Equal Opportunities Commission (EOC), had been established under the Sex Discrimination Act of 1975. Its duties were to work towards the elimination of discrimination, to promote equality of opportunity between men and women generally, to keep under review the operation of the 1975 Act and of the Equal Pay Act of 1970, and to draw up and submit proposals for amending them.

9. EOC also had the power to conduct a formal investigation for any purpose connected with its statutory duties. As a result of such an investigation, it might issue a legally enforceable non-discrimination notice requiring the organization concerned to comply with the law. It could also help individuals to bring legal action and could take legal action itself in some circumstances, such as cases of persistent discrimination.

10. EOC did promotional and educational work, giving advice to employers and employees, trade unions and professional bodies, and central and local government. It could provide grants for independent research or educational activities and for the organization of conferences. Its own research services produced a wide range of publications each year. It had a full-time chairperson supported by a part-time deputy and 12 part-time Commissioners, who were responsible for discharging their statutory duties. The Commission's budget for 1989-1990 was £3.8 million. The Equal Opportunities Commission for Northern Ireland had similar powers and duties.

11. She also wished to pay tribute to the role which non-governmental organizations in the United Kingdom played in the consultative process that contributed to Government policy-making. The Government welcomed and valued its contacts with organizations concerned with the status of women in the United Kingdom.

12. The Women's National Commission, set up in 1969, acted as an advisory committee for channelling women's views to government departments and other public bodies. Fifty women's organizations from throughout the United Kingdom were represented on it. It was chaired jointly by a representative elected by Commission members and a minister nominated by the Prime Minister. That minister also represented it in the Ministerial Group on Women's Issues. The Commission and other women's organizations took a keen interest in the Government's progress in implementing the Convention and the Forward-looking Strategies. In recognition of that interest, and in view of the importance which the Government attached to maintaining good relations with those organizations and taking account of their views, she would be reporting back to the Commission and other women's organizations on her appearance before the Committee at a forthcoming seminar.

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13. The United Kingdom was fully committed to equality between women and men in the work place. It recognized the important contribution which women made to the economy and since its report had been prepared, public, employer and media interest in women's employment and in measures to help women return to work had increased markedly. There had been a number of encouraging practical developments. The first requirement for equality was a job and the Government had helped create an economic climate in which business could flourish and thus provide more jobs and opportunities. More and more women were taking advantage of the new job opportunities available to them as a result of continuing economic growth.

14. Since 1983, over 1.8 million women had entered the labour force; 18 per cent more women were working full-time and 23 per cent more were working part-time. One in four self-employed persons were women, as compared with fewer than one in five 10 years earlier.

15. Women were also acquiring better educational and vocational qualifications and entering areas traditionally dominated by men. Half the students in medicine, dentistry and other health services were now women. Since 1980, the number of women in accounting and also in town planning had doubled; in surveying it had quadrupled and in banking and insurance it had increased by one third. Female unemployment remained lower than male unemployment and had fallen steadily since August 1986. In April 1989, women's average hourly pay (excluding overtime) had reached its highest level ever in relation to men's - 76 per cent.

16. Women had still not achieved complete equality in employment, however. There were still far too few women in top jobs, but changes in the labour market, particularly a decline in the number of 16- to 19-year-olds entering that market (a decline projected at 1 million between 1983 and 1993) were expected to open up lasting new opportunities for women. By the end of the century, women were expected to account for 90 per cent of the total increase in the size of the work force.

17. The Government continued to encourage the provision of training to help women who wished to return to work, to enter areas traditionally dominated by men or to overcome past inequalities. It had just launched a major campaign in conjunction with the British Broadcasting Corporation and local radio stations to publicize training assistance for women returning to the work place. The fully funded Training Agency had many programmes of special interest to women, including some single-sex courses, part-time and flexible time training, and open learning. Single parents attending training courses could receive up to £50 a week per child towards child care under the Employment Training Programme.

18. Employers were becoming increasingly aware of the need to make their recruitment, training and overall employment policies attractive to women. The Government actively encouraged that approach and, as a major employer, set an example with a positive policy involving increased opportunities for part-time work, career breaks for staff who wished to take time off to care for young children or elderly relatives, assistance with child care arrangements, improved

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maternity leave provisions, and the introduction of paternity leave. Already, 236 senior civil servants were working part-time. A small but growing number of firms were taking similar steps.

19. The Government realized that family responsibilities could be a particular barrier to women who wished to return to work and pursue a career, that women suffered the disadvantages of interrupted careers and that, on returning to work, women might have to take less demanding, lower-grade work. The Ministerial Group had therefore given priority to co-ordinating the work already done on child care within individual Government departments. In April 1989, it had developed a "five-point plan" on child care covering: improvements in the registration and enforcement arrangements for day nurseries, child minders and play groups; further encouragement to employers to use the tax reliefs available for providing child care facilities; guidance to local education authorities and schools encouraging the use of school premises for after-school and holiday schemes; further start-up support for the voluntary sector; and the desirability of a voluntary accreditation scheme to provide information about the availability and quality of child care facilities.

20. The first four points had already been implemented and work was in progress on the fifth. Employers were already demonstrating growing interest in providing employees with child care. Some were opening crêches for employees' children and others were helping their employees by giving them financial assistance or "child care vouchers".

21. The Government remained committed to improvements in the area of women's health. Women's health had been specifically identified as part of the responsibilities of a minister at the Department of Health since 1986. Ministers met regularly with representatives from the National Council of Women and affiliated organizations to discuss women's health issues, and took the opportunity to meet individual women's organizations. The Department of Health was represented on the women's health forum of the Health Education Authority (HEA).

22. On 10 June 1988, a full day's debate on women's health had been held in the House of Commons. The Department of Health had also organized a conference, "Promoting Women's Health", in London on 22 June 1988, at which a number of eminent speakers had addressed a wide range of women's health issues. The Department was also currently funding over 30 voluntary organizations and charities concerned with women's health and welfare, such as the Maternity Alliance, the Women's National Cancer Control Campaign and Women's Health Concern.

23. In addition to general health services for both sexes, certain services were needed to meet the specific needs of women. The United Kingdom had been the first country in the European Community to launch a nation-wide breast cancer screening programme and a comprehensive cervical cancer screening service. Both services were based on computerized call and recall and had comprehensive back-up facilities for diagnosis, treatment, counselling and after-care.

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24. The Government remained extremely concerned about the threat of AIDS to women as well as men in the United Kingdom. By the end of October 1989, 109 cases of AIDS in women had been reported. By the end of September 1989, 1,201 reports of women who were HIV positive had been received. The Department of Health had provided funding to local health authorities for AIDS co-ordinators, whose functions included liaison with local voluntary and statutory organizations with a view to developing a policy and a joint strategy for HIV prevention. That task included identifying gaps in provisions for specific groups, including women. The Department had also funded Positively Women, a voluntary organization for women who were HIV positive.

25. The Health Education Authority (HEA) had assumed responsibility for the Government's nation-wide AIDS public education campaign in October 1987. It promoted programmes aimed at the general population and at specific groups in society in order to increase awareness of the dangers of HIV infection and AIDS and of how people could protect themselves. Women were identified as a key group and the Authority had developed materials specifically aimed at young, sexually active women. It had supported the development of a Women's Health Network which included a data base, a directory of women's health initiatives, the identification of training needs in relation to HIV and AIDS health promotion work, pilot projects targeted at youth groups, women's organizations, and further education for women.

26. Increasing drug abuse among women, including pregnant women and women with young children, was a matter of growing concern. That trend had been highlighted in the Government's response to a report from the Social Services Select Committee, presented to Parliament in December 1985. Injecting drugs with shared equipment had been the major cause of known AIDS infection among women in the United Kingdom.

27. In some cases, the infection has been passed on to those women's babies. The Government had issued guidelines to health authorities in 1986 on the development of drug abuse services, and there was now some improvement in that area. Clinics had been set up in cities such as Glasgow and Birmingham. The Government was encouraging increased co-operation among the various agencies that provided services for women drug abusers. The Department of Health had sponsored a conference on parents who abused drugs and would be holding a seminar in 1990 on the needs of women substance abusers.

28. The Department had also been providing funds to the voluntary organization Drugs Alcohol Women Nationally (DAWN) to undertake a survey of the needs of women drug abusers and problem drinkers and to produce a directory of the corresponding services. The Government realized that there was a particular problem with the fact that minor tranquillizers were so often prescribed for women, a situation which could lead to dependence. Many of the advice and counselling services for drug abusers also offered help to those dependent on tranquillizers. Many of those services had been established with start-up grants from the Government or with funds made available to health authorities specifically for the development of such services. The Department was providing funding to MIND, the leading voluntary organization in the mental health field, to establish a national directory of

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services for tranquillizer dependents and the production of up-to-date publicity material.

29. The Government recognized that smoking was a major cause of preventable illness and death in the United Kingdom. Lung cancer deaths among women had been increasing in recent years and specific measures aimed at women smokers had therefore been taken. The HEA pregnancy book gave advice on giving up smoking and a recently announced campaign, to be run jointly by the Department of Health and HEA, would try to counter the alarming trend of smoking among teenage girls. The current voluntary agreement with the tobacco industry on advertising and promotion prohibited advertising in magazines a third or more of whose readers were young women. One of six health warnings, which must by law be printed on cigarette packets and related advertising, drew attention to the damage which smoking during pregnancy could do to an unborn baby.

30. Family planning services continued to be available nationally, free of charge, under the National Health Service (NHS). Voluntary agencies complemented the NHS services. People were free to choose their sources of family planning advice.

31. Comprehensive maternity services were also available under NHS, ranging from pre-natal care to care and support for mothers and new babies within the community. Services were available free of charge and organized on a local basis. The Government attached great importance to the availability of early and regular pre-natal care and advice for all pregnant women. HEA had produced a number of publications giving advice to women about pregnancy, childbirth and infant care, including a pregnancy book, first published in 1986, that was issued to all first-time expectant mothers.

32. The Government was eager to increase the numbers of female medical staff, both in the interests of women who chose to make a career in that field and in recognition of the fact that it could be very important for some women, such as those from some ethnic minorities, to have access to treatment by female medical staff. The proportion of female medical students had risen steadily to almost 50 per cent and that would be reflected increasingly in the proportion of women doctors.

33. The current distribution of female medical staff was extremely uneven between the different medical services. The Department of Health had commissioned research into the barriers that prevented women from achieving the levels of which they were capable. Some steps had been taken. An initiative called "Achieving a Balance", introduced in 1987, should help to eliminate career bottle-necks. Part-time training was now available at the senior registrar grade and might be extended to other grades. Guidelines on equal opportunities in appointment procedures were to be issued shortly and a working party on women in medicine would soon make recommendations on all issues affecting women doctors.

34. The Ministerial Group had also recently been considering the issue of domestic violence in the context of a Home Office research study on the subject and a report

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from the Women's National Commission. The Group had done further work in July 1989 on the use of criminal and civil law and the response to domestic violence by the police, the Crown Prosecution Service and the courts; on how Social Services Departments and health services could give more effective help to victims of domestic violence; on guidance and materials currently available to schools in that area; and on the role of personal and social education in helping to prevent domestic violence.

35. In education, the Government had maintained its clear commitment to the need to promote equal opportunities in schools and to encourage girls in those areas of the curriculum where they had not participated fully in the past. The Sex Discrimination Act of 1975 provided the legislative framework for such efforts. Responsibility for education was shared by the central Government, local education authorities and the teaching professions. The Government's oversight of the system was largely exercised through important specific functions relating, for example, to teacher supply and training and the inspection of schools. Recent education legislation had added to the duties of the central Government but primary responsibility for the administration of schools lay with individual local education authorities and schools.

36. Section 1 of the Education Reform Act of 1988 made the Secretaries of State for Education for England and Wales responsible for ensuring that the curriculum of publicly funded schools prepared young people for the opportunities, responsibilities and experiences of adult life. The guidelines issued to schools by the Department of Education and Science made it clear that schools should ensure that their programmes of work-related activities were free of both overt and covert stereotyping and should pay particular attention to equal opportunities.

37. The Secretaries of State for Education for Wales and Scotland were empowered to intervene directly in cases where they judged that discrimination, other than that relating to employment, had occurred in most publicly funded educational institutions.

38. While curriculum developments in individual schools remained largely a matter for local decision, the introduction of the Education Reform Act established a framework for equality in the provision of education. Girls would be following the same broad and balanced curriculum as boys, up to the age of 16. Any current sex discrimination and stereotyping in subject choice would thus be eliminated. Both boys and girls would study science, technology and a modern foreign language up to the age of 16. Through the Act's emphasis on the preparation of pupils for adult and working life, the teaching of cross-curricular themes, such as personal and social education, would be included in the whole curriculum for boys and girls up to the age of 16. That would focus attention on issues such as sex discrimination and stereotyping and encourage positive changes in attitude.

39. Local education authorities and schools themselves had also taken equal opportunity initiatives. Some had appointed full-time advisers while others had designated teacher advisers or teacher co-ordinators to work full-time in that

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area. Others had advisers, often women, who were asked to take responsibility for equal opportunities in addition to their subject responsibilities.

40. The three major centrally funded initiatives aimed at preparing schoolchildren for working life had emphasized the need to avoid sex stereotyping in courses and teaching materials. Equality of opportunity was integral to the Technical and Vocational Education Initiative (TVEI), which now extended to every education authority in the country and supported and supplemented the objectives of the national curriculum in making the curriculum for 14- to 18-year-olds more relevant to adult and working life. Government-funded programmes supporting the use of micro-computers in schools had also stressed the development of courses and teaching materials that avoided stereotyping, and the new City Technology Colleges were required to provide equal opportunities for boys and girls as a condition of funding, by selecting pupils in accordance with objective admissions criteria irrespective of their sex. As a result, more girls were expected to take up science, engineering and technological subjects and more parents to encourage their daughters to follow such careers.

41. Examination results showed that there had been some improvements in reducing sex stereotyping in schools and in girls' examination performance. Over the past 10 years, there had been a steady growth in the proportion of girls who took chemistry at the General Certificate of Secondary Education (GCSE) level: about one in four in 1988 as compared with one in six in 1979. In 1988, one in every five girls had taken physics, as compared with one in every eight in 1979. Overall, girls had achieved greater examination success than boys at the GCSE and equivalent levels. The proportion attaining grades A-D in five or more subjects, for example, was consistently higher than that for boys. Boys were proportionately more successful than girls in attaining three or more "A" levels, but the gap had narrowed in recent years.

42. The Government also had priorities in further and higher education that should be beneficial to women, particularly mature students with domestic responsibilities. Those included improving the provision of guidance and information about educational opportunities; encouraging more flexible forms of education, such as open learning schemes, that tried to meet the needs and circumstances of individual students; and increasing the participation rate among women and others who were underrepresented. Women accounted for nearly 75 per cent of enrolments at local authority adult education centres.

43. Turning to the country's social security scheme, she said that it had originally been designed to provide basic maintenance benefits tailored to the presumed circumstances of the individual, according to sex, age and marital status. It had therefore overtly treated women and men differently and had included a special set of provisions for married women. The past 20 years had seen extensive changes in the scheme, which had moved away from a system of protection for married women based largely on rights derived from their husbands' contributions to one where women were increasingly building up their own rights to contributory benefits and had gained access to non-contributory benefits on the

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same terms as men. In so far as differences remained, they favoured women in that they recognized the needs of the many older women who had not contributed in the past and who relied on their husbands' contribution records for protection in old age, and the needs of those who had planned their lives around the current female pension age. Those differences would probably become redundant in the longer term, but the Government had made it clear that total and immediate implementation of a draft directive proposed by the European Commission to eliminate all remaining differences of treatment would be impracticable and undesirable.

44. Specific changes had been made in the scheme as it affected married women. Since April 1977, newly married women and married women re-entering the work force could no longer choose not to contribute for the main benefits in the National Insurance scheme, so that all working women would eventually be covered. The 1975 Social Security Pensions Act protected the entitlement to basic pension of persons unable to work because of domestic responsibilities, such as care of elderly and invalid relatives as well as child care. Differences in the rates of unemployment and sickness benefit for married women had been abolished. Lastly, private occupational schemes were prohibited from discriminating against women in admission to membership.

45. Those changes had all predated the European Commission's first proposals on equal treatment. Some further changes had been made by 1984 to implement the 1979 European Commission directive outlawing differences of treatment in State schemes, except in some specifically defined situations that mainly favoured women.

46. Some of the significant further developments in social security legislation included the provision allowing women to claim for a partner on the same terms as men under the income support scheme, which had replaced the supplementary benefit scheme; the reformed housing benefit scheme; the community charge benefit which, as of April 1990, would offset the cost to low-income families of the new local taxes; the family credit scheme for low-income families, which favoured women to the extent that the benefit was usually paid to the woman, as was the non-income-related child benefit; a severe disablement allowance, which was available to women and men on equal terms, replacing two separate forms of non-contributory invalidity pension; and the invalid care allowance, paid to the caregiver rather than the invalid, which had been made available to married women on the same basis as single women and men in 1986, following a decision of the European Court.

47. Equal treatment in occupational schemes was now a matter of law, with the additional requirement that schemes which "contracted out" of the State earnings-related additional pension must provide widowers' as well as widows' pensions. The State earnings-related additional pension, which was obligatory for employed persons who did not have "contracted out" occupational or personal pensions, made no distinction between women and men, and either spouse could inherit a deceased spouse's pension rights.

48. Turning to the matter of women in the civil service and public appointments, the civil service had adopted a formal programme of action to achieve equality of

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opportunity for women staff in 1984. Progress was monitored annually by the Personnel Management and Equal Opportunities Division of the Office of the Minister for the Civil Service. Two published reports (Equal Opportunities for Women in the Civil Service: Progress Report 1984-1987; and Career Break and Child Care Provisions in the Civil Service, Progress Report 1989) showed the significant progress made in recent years towards achieving greater equality of opportunity for women staff.

49. The Government remained committed to extending the influence of women on advisory and policy-making bodies and, with women's organizations, had taken steps to encourage women to put their names forward for consideration as well as to ensure that more women were actually appointed. The latest figures showed that in April 1989 some 23 per cent of all public appointments had been held by women, as compared with 21.4 per cent in 1988 and 19.1 per cent in 1986. As a result of the "Women into Public Life" campaign organized jointly by the Fawcett Society and the 300 Group with governmental support, 600 names had been submitted to the Public Appointments Office. Several additional initiatives were under consideration.

50. On ratifying the Convention, the United Kingdom had made a number of interpretative reservations and declarations. Those were an indication of how seriously it took its international obligations and it kept them under constant review and was prepared to withdraw them whenever possible.

51. Thus, the United Kingdom had entered a reservation to article 13 in order to allow the income and capital gains tax system to continue in its present form, even though in some respects it did not afford married women equal treatment with men. The initial report before the Committee referred to the proposals put forward in the Government's 1986 Green Paper on the reform of personal taxation to introduce a new system of independent taxation for husbands and wives. The response to the proposals had shown that there was clearly a widespread feeling that married women should be given independence and privacy in their tax affairs. A system of independent taxation of husbands and wives had been enacted by the Finance Act of 1988, to take effect from April 1990. The rule which currently added the income and capital gains of a married woman to those of her husband, and taxed their combined incomes as his, would be abolished and the system of personal tax allowances would be revised. Married women would enjoy the same independence and privacy in their tax affairs as their husbands and all other taxpayers. They would receive their own personal allowances and would be responsible for handling their own tax affairs. A married couple would still be entitled to an extra allowance, because the Government believed that the tax system should continue to recognize marriage.

52. Those changes would enable the United Kingdom to withdraw the major part of its reservation to article 13 when independent taxation took effect in April 1990. After that date, its reservation should state that it reserved the right, notwithstanding the obligations undertaken in article 13 or any other relevant article, to continue to apply the income tax legislation that entitled a man who had his wife living with him during the year of assessment to a deduction from his

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total income of an amount larger than that to which an individual in any other case was entitled. Her Government would take steps to withdraw the redundant parts of its reservation to article 13.

53. Concerning employment legislation, the Sex Discrimination and Equal Pay Acts had been extended to offshore employment. The Employment Act of 1989 further freed women from unnecessary restrictions on their employment. Its key provisions were that most legislation that still discriminated between men and women in employment and training was replaced or amended to remove the discrimination. That included the ban on women working underground in mines, which would enable her Government to remove one of its reservations in due course, and some restrictions on their working with machinery in factories. Protection was, however, being retained in some special cases, such as work that, through exposure to radiation or lead, might endanger the health of an unborn child. Under the new Act, women would become eligible to receive statutory redundancy payments up to the same age as their male counterparts, namely 65.

54. There had also been developments in the case law relating to the Equal Pay Acts that were beneficial to women. They included removal of the six months' time-limit on claims under the Act; establishing the importance of analytical job evaluation in equal value cases; the right of a woman claiming equal pay to have each individual term of her contract considered and upgraded to that of her male comparator even if her overall remuneration package was greater than his; and the right of a woman to compare herself with a man, or men, doing work of possibly equal value, even if there was a man, or men, doing the same work as the woman for the same pay. Case law had also shown the value of the Sex Discrimination Act in combating sexual harassment, and considerable sums of money had been awarded as compensation in such cases.

55. Two further changes in United Kingdom legislation concerned the Family Law Reform Act of 1987, certain provisions of which had come into force on 1 April 1989, and the Children Act of 1989. One of the primary objectives of the Family Law Reform Act of 1987 had been to remove legal discrimination against children born out of wedlock. The Act had also had the effect of eliminating certain disadvantages experienced by the mothers of such children in obtaining maintenance for them from the father. Lastly, under section 2(4) of the Children Act of 1989, the rule of law that a father was the natural guardian of his legitimate child had been abolished.

56. In concluding, she said that the United Kingdom was not complacent about the work that remained to be done. While equality for women in the United Kingdom was fully provided for in law, for many women there was still a long way to go in practice.

57. The CHAIRPERSON expressed appreciation for the comprehensive report before the Committee. The Committee also appreciated the valuable additional information just provided by the United Kingdom representative. In particular, the United Kingdom was to be commended for having consulted with non-governmental women's

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(The Chairperson)

organizations prior to the preparation of the report. She noted that the United Kingdom also intended to consult with such organizations following consideration of the report by the Committee.

58. United Kingdom programmes to encourage women to broaden their educational and career choices were also noteworthy. Moreover, the United Kingdom had rightly identified the issues raised under article 5 of the Convention - traditional attitudes and stereotyping of women - as important issues. Reference had also been made to some excellent programmes on health and on violence against women.

59. She herself had some concerns, particularly about the number and extent of the reservations to articles of the Convention entered by the United Kingdom. She was pleased to note that the United Kingdom reservations to article 13 would, at least in part, be withdrawn. It was hard to tell whether the large number of reservations represented an attempt to interpret the Convention or an attempt to preserve indefinitely the current situation in the United Kingdom. She would appreciate further clarification in that connection. For example, it would be helpful for the Committee to know which of the reservations could at some time be considered for withdrawal and which reservations were intended to be permanent. Furthermore, the United Kingdom had not really provided enough gender-specific statistics to enable the Committee to measure progress under some of the articles of the Convention.

60. Ms. BERNARD said that the United Kingdom Government was to be commended for passing the Sex Discrimination Act of 1975, the Domestic Violence and Matrimonial Proceedings Act of 1976 and the Family Law Reform Act of 1987. It was also to be commended for establishing the Equal Opportunities Commission and the Ministerial Group on Women's Issues. However, she was concerned at the large number of reservations that had been entered by the United Kingdom to the Convention. It was, of course, heartening that the United Kingdom reservations to article 13 would be largely withdrawn. She would be interested to know what the United Kingdom's intentions were with regard to its other reservations.

61. Overall, the report was informative and she welcomed the information on the British Virgin Islands, the Falkland Islands, the Isle of Man and the Turks and Caicos Islands. The United Kingdom was to be commended for submitting its report so soon after ratification of the Convention.

62. Ms. FORDE said that the statement by the representative of the United Kingdom clearly updated much of the material in the initial report. She too appreciated the fact that the United Kingdom had submitted its report so soon after ratification of the Convention. It was regrettable that the United Kingdom had entered so many reservations to the Convention, and it was to be hoped that the withdrawal of reservations was on the United Kingdom's immediate agenda. The report contained a great deal of useful information and showed evidence of a considerable amount of action. The parts of the report dealing with the Territories for which the United Kingdom was internationally responsible were also enlightening. She assumed that Anguilla and Montserrat were not covered in the report because they were associated States, not dependent Territories.

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63. Ms. CORTI said that a wealth of information had been provided both in the report and in the statement just made by the United Kingdom representative. The statistical information provided was very useful. Moreover, the United Kingdom was to be particularly commended for the part of the report dealing with violence against women. The report showed that the United Kingdom had adopted a considerable amount of relevant legislation and had established many appropriate institutions. However, it did not provide a clear picture of the *de facto* situation of women in the United Kingdom. With regard to the Equal Opportunities Commission, she wished to know how its members were appointed and why it had been set up within the Home Office. She noted that one of the Commission's functions was to put forward proposals for the amendment of legislation. She would appreciate clarification of the process in question.

64. Ms. WALLA-TCHANGAI said that she welcomed the measures taken by the United Kingdom to achieve equality of men and women. However, she hoped that the many reservations to the Convention entered by the United Kingdom would be given close consideration with a view to their withdrawal. Moreover, she would appreciate having more details about progress in the United Kingdom towards equal pay.

65. Ms. ILIĆ welcomed the abundance of material provided by the United Kingdom in its report. She was, however, concerned at the large number of United Kingdom reservations to the Convention. She was therefore pleased to note that they would be kept under constant review and would be withdrawn where possible. She would be interested to know whether the United Kingdom Government had entered similar reservations to the corresponding articles of the International Covenant on Civil and Political Rights. If so, she wished to know whether the content of the reservations to the International Covenant was the same and, if not, why not. She would also welcome information on crimes committed by women, how female criminals were treated, and whether United Kingdom citizens and other United Kingdom residents were given the same treatment.

66. Ms. DIALLO SOUMARE expressed appreciation for the report submitted by the United Kingdom. She hoped that the United Kingdom Government would be able to withdraw its reservations to the Convention, since the United Kingdom had made a major effort to eliminate discrimination against women and served as an example for many developing countries.

67. Ms. ALFONSIN DE FASAN said that she was, of course, speaking as a member of the Committee and not as a representative of Argentina. She also wished to place her remarks in the context of the recently improved relationship between Argentina and the United Kingdom. That improvement had been made possible by the two countries' joint decision to leave aside the issue of sovereignty over the Malvinas Islands. The Malvinas Islands should therefore not have been included in the report as part of the territory of the United Kingdom.

68. Having said that, she wished to express her appreciation for the comprehensive report submitted by the United Kingdom Government, which showed that the United Kingdom took the implementation of the Convention seriously. At the same time, she

(Ms. Alfonsin de Fasan)

noted that discrimination against women still persisted in the United Kingdom in some areas, such as admission to clubs and executive recruitment. The situation of rural women was also a matter of concern.

69. Ms. TALLAWY noted with interest that non-governmental organizations had been consulted prior to the preparation of the report. She would welcome more information on the way in which the various government departments involved had contributed to the preparation of the report. She wondered, for example, how the departments' contributions had been co-ordinated and how progress had been monitored and evaluated. With regard to the United Kingdom's reservations to the Convention, she was concerned about their scope and their significance. It was also a matter of concern that United Kingdom legislation prevailed over the provisions of the Convention. She noted that the United Kingdom understood the main purpose of the Convention to be the "reduction" of discrimination against women. It must be emphasized that the Convention referred to the "elimination" of discrimination. She also noted that the United Kingdom reserved the right to regard the provisions of a number of legislative acts as constituting appropriate measures for the practical realization of the objectives of the Convention in the social and economic circumstances of the United Kingdom, and to continue to apply those provisions accordingly, and that that reservation would apply equally to any future measures. If the legislative acts in question were in keeping with the aims of the Convention, she did not understand why they needed to be mentioned in a reservation. Moreover, she would be grateful for a clarification of the United Kingdom's position on "the affairs of religious denominations". In so far as statistical data were concerned, it would have been preferable to include such information under the discussion of individual articles. Moreover, the statistical data provided were not broken down by sex and were rather hard to understand.

70. Ms. AKAMATSU said that she had been shocked at the number of reservations entered by the Government of the United Kingdom to the Convention and wondered what kind of debate had taken place on them. Nevertheless, she was pleased that the Government intended to withdraw a number of those reservations; she wished to know the nature of each reservation to be withdrawn. She also wished to know whether the reservation concerning the peerage system had been the object of much criticism by women.

71. Ms. PILATAXI DE ARENAS said that she had examined the seven reservations made by the Government of the United Kingdom carefully and, in many cases, had found it difficult to determine whether a reservation was a reservation *per se* or whether it was merely an explanation of how a given article of the Convention differed from United Kingdom practice. Reservation (c) pertaining to article 1 (CEDAW/C/5/Add.52, p. 5) suggested a fear on the part of the Government that the Convention might call into question its right to self-determination with respect to succession to the Throne and to customary law. International law was not coercive in that regard, however, and could only make recommendations. Perhaps the United Kingdom was ascribing too much significance to some of the provisions of the Convention, and that might account for the large number of reservations.

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72. Ms. SCHÖPP-SCHILLING said that she was particularly concerned at the phrasing of the United Kingdom reservation to article 2 of the Convention. She could not comprehend how "overriding considerations of economic policy" could take precedence over the obligation to eliminate discrimination against women, and requested an explanation in that regard. She commended the efforts made by the United Kingdom to ensure equality in the area of education, and wished to know whether any studies had been conducted to evaluate the impact of legislation and other regulations in that area.

73. It was an interesting idea to appoint a number of ministers responsible for women's issues in the various government departments, and she wished to know whether those ministers had been given the necessary support staff. If there were not enough support staff, the ministers would not be duly informed of new developments and ideas. The appointment of a Government minister to represent the Women's National Commission could lead to conflict in cases where the opinions of the Commission differed from that of the minister.

74. In preparing its report, the United Kingdom Government had solicited comments from the Equal Opportunities Commission. Since she could not find the Commission's comments anywhere in the report, she wished to know whether the Commission had expressed any criticism of the report.

75. With regard to training courses for civil service staff, she wished to know whether such staff were being trained only in matters of non-discrimination with respect to personnel policy in the civil service, or whether they were being trained about the issue of non-discrimination per se. Were civil servants being trained to be alert to the different effects of non-discriminatory legislation on men and women?

76. Ms. OESER said that she was pleased that the Government of the United Kingdom had discussed its report with some 85 women's organizations. The Government had entered an unusually large number of reservations to the Convention, and she was glad that it intended to keep those reservations under constant review with the intention of withdrawing them as soon as possible. Nevertheless, she hoped that the United Kingdom representative would explain why her Government had considered it necessary to make so many reservations.

77. Ms. LAIOU-ANTONIOU said she was pleased that the United Kingdom Government had laid particular emphasis on the areas of employment and education. She had been surprised to learn that the Department of Education and a number of other departments had supported women's rights with such enthusiasm, and the Committee should consider thanking them in some way. With regard to some of the programmes, proposals and positive action initiated by the Equal Opportunities Commission, she did not see any mention of the role which mass women's organizations played in such efforts.

78. She regretted the fact that the United Kingdom Government had deemed it necessary to make so many reservations. The reservation concerning article 2 of the Convention seemed to make equality dependent on the health of the economy. She

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(Ms. Laiou-Antoniou)

also had the impression that the Equal Opportunities Commission did not have the necessary decentralized machinery to promote equality in the remoter areas of the United Kingdom, and she requested additional information on the adequacy of the decentralized system in the United Kingdom. She would also welcome further information on the staff and structure of the Equal Opportunities Commission.

79. In the reports concerning the Isle of Man, the British Virgin Islands, the Turks and Caicos Islands and the Falkland Islands, she had read of thousands of women living under very discriminatory conditions. On the Isle of Man, for example, women could be dismissed from work if they became pregnant and in the Turks and Caicos Islands, women received only half their salary when they took maternity leave. In all the Crown Territories, women could not receive a tertiary education unless they went to the United Kingdom. There was no special legislation to safeguard women's rights in those Territories and there was no way for women to claim their rights in a visible and effective way. Medical care was highly insufficient, especially in the Falkland Islands. In general, it seemed that the Convention did not apply in the Crown Territories and she hoped that the representative of the United Kingdom would make some comments in that regard.

80. The United Kingdom Government did not seem particularly concerned that, while 43 per cent of all women participated in the labour force, half of them were engaged in part-time work and women earned only 76 per cent of what men earned; 91 per cent of all people working part-time in the United Kingdom were women. It appeared that that situation would perpetuate discrepancies between the incomes of men and women and that women would continue to be poorer than men.

81. The limited allocation of funds to social welfare seemed to affect women much more than men. She wondered whether, in general, the United Kingdom's social welfare budget was shrinking.

82. Ms. UKEJE said that the Sex Discrimination Act of 1975 sought not only to ensure de jure equality but also to encourage de facto equality. She believed that if that Act, as well as the Equal Pay Act, the Employment Protection (Consolidation) Act and the Employment Act were strictly implemented, it would be seen that many of the reservations entered by the United Kingdom were unnecessary. She hoped that the United Kingdom would have withdrawn all of its reservations by the time it submitted its second periodic report.

83. Ms. GONZALEZ-MARTINEZ associated herself with earlier statements about the large number of reservations, and also endorsed the comments made by Ms. Ilić with respect to the International Covenant on Civil and Political Rights. The United Kingdom continued to use the offensive and demeaning word "illegitimate" to describe children born out of wedlock. In many countries, that term had been deleted from the record. She wished to know what was the descriptive term applied to children whose mothers were not accompanied by the father when registration took place. She also wished to know how many refugee women were living in the United Kingdom.

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(Ms. Gonzalez-Martinez)

84. The initial report on the British Virgin Islands estimated that the population of that Territory was about 14,000 and that average per capita income was $6,000 per annum. Tourism, construction and banking and finance were the main activities in the British Virgin Islands. No information had been provided about per capita income on the Isle of Man, however, although it was approximately three times larger than the Virgin Islands, had a population of 65,000 and was also experiencing rapid growth in its financial sector. She hoped that the United Kingdom representative would explain why there had been such rapid growth in the financial sector and banking services in the Virgin Islands and on the Isle of Man, and that she would provide information about the amount of United Kingdom investment in those Territories.

85. Ms. SINEGIORGIS said that while the Government of the United Kingdom was to be commended for its prompt submission of an excellent report, she was concerned at the number of reservations which the United Kingdom had made and hoped that those reservations would be withdrawn by the time the United Kingdom submitted its second periodic report.

86. The CHAIRPERSON invited the members of the Committee to consider the report with respect to specific articles of the Convention.

Article 2

87. Ms. BERNARD said that, according to the Sex Discrimination Act of 1975, anyone who considered that he or she had been the victim of unlawful discrimination had a right to direct access to the courts or to an industrial tribunal. She wished to know how many cases had been heard by the courts or by industrial tribunals since the implementation of the Sex Discrimination Act, and whether many women had resorted to that remedy.

88. Ms. NOVIKOVA wished to know what authorities, in addition to the Equal Opportunities Commission, were responsible for applying appropriate sanctions in cases of non-compliance with legislation forbidding discrimination against women, and how individual women could make use of and enjoy such rights.

89. The CHAIRPERSON asked whether the Ministerial Group on women's issues had the role of co-ordinating and commenting on current policy proposals as they were submitted to the Cabinet.

Article 4

90. Ms. NOVIKOVA said that, as had been previously recommended in the Committee, temporary special measures designed to accelerate de facto equality should be applied more broadly. There was still progress to be made regarding the number of women at the political decision-making level and she wondered what the Government's attitude was towards that issue.

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Article 5

91. Ms. FORDE said that despite public outcry and a barrage of legislation dealing with obscene publications and related matters, the popular press in the United Kingdom still published "pin-up" photographs regularly in their pages. She wondered whether serious consideration had been given to widening the scope of the Obscene Publication Acts to include publication of material which was degrading and insulting. She also wished to know whether the discussions currently going on between the Advertising Standards Authority and the Women's Media Action Group had resulted in the drawing up of a non-sexist advertising code.

92. Ms. CORTI said that, according to the report, the portrayal of women in the media generally reflected the patterns and attitudes of society at large. Unfortunately, prevailing attitudes in the United Kingdom, as in many other European countries, were degrading to women. She therefore wished to know whether the Equal Opportunities Commission was taking any steps to eliminate those attitudes.

93. While the United Kingdom had a substantial body of legislation dealing with pornography, she wondered whether, in a democracy, legislation was sufficient to solve the problem. Experience had shown that laws were not enough: constant monitoring and follow-up by law enforcement agencies and other bodies was necessary. She had not noticed any mention in the report of how such agencies were being used to combat the various forms of pornography.

94. Ms. SCHÖPP-SCHILLING said that, according to the report, there had been an increase in the number of women in broadcasting and journalism. She would appreciate specific figures on the number of women appointed to senior positions in those fields. The report also stated that the media were portraying males and females in broader, less stereotyped roles and she wished to know whether a specific agency was responsible for monitoring that trend. She would appreciate more information on the negotiations currently taking place between the Advertising Standards Authority and the Women's Media Action Group. Was there an existing code with respect to how women were portrayed in advertising and what were the demands of the Women's Media Action Group? She also wished to know whether job advertisements in newspapers were monitored and whether any cases of discriminatory advertising had been brought to court.

95. Ms. ESCOBAR said that she too was concerned at the large number of reservations to the Convention made by the United Kingdom.

96. Having had a women Prime Minister for several years now, the United Kingdom was unique among the countries of the world. She wondered whether that situation had had a significant influence on anti-discriminatory practices and on relations between men and women.

97. With respect to the Obscene Publication Acts of 1959, she would appreciate a definition of the terms "depravation" and "corruption". Specifically, which body established the criteria defining those terms?

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98. Ms. NOVIKOVA asked whether any sociological studies had been carried out in the United Kingdom to measure changes in public attitudes towards the roles of the sexes. Such data could provide feedback on the effectiveness of particular Government anti-discrimination policies.

Article 6

99. Ms. FORDE asked whether British researchers had investigated the relationship between prostitution and the spread of HIV infection. With respect to the issue of rape, she recalled that a decision in one such case had aroused controversy because it had been assumed that if the man had had reasonable grounds for believing that the woman had consented to sexual intercourse, he might then escape legal sanctions for rape. Section 1 (2) of the Sexual Offences (Amendment) Act of 1976 appeared to institutionalize that logic and she wondered whether there had been any pressure from women's organizations to rethink that legislation. While there was a mandatory maximum sentence for persons found guilty of sexual offences, the report made no mention of a mandatory minimum sentence - was legislation to that effect being considered? She wished to know whether rape victims received follow-up support from government agencies. Lastly, she would like to know whether the issues she had just mentioned had been included in the recent review carried out by the Criminal Law Revision Committee.

100. Ms. CORTI said that United Kingdom legislation aimed at controlling the effects of prostitution did not deal directly with prostitutes themselves and with the economic causes of the problem. The United Kingdom representative had said that certain centres or organizations for the control of prostitution were being replaced by other agencies. Clarification of that matter would be appreciated. While she commended the fact that a Sexual Offences Act existed, she supported the statement by the previous speaker concerning section 1 (2) of the 1976 Act. She would also appreciate further information on the composition of juries hearing cases under that section. With regard to unreported rape, she wondered whether an organization such as a women's rights group could become a civil party in such a case. Her own country had legislation along those lines. She supported the legislation concerning domestic violence and wished to know whether there had been instances in which women had refused to report a rape or bring action in cases of sexual offences committed within the family.

101. Ms. WALLA-TCHANGAI said that with regard to the law penalizing individuals who lived off the earnings of prostitutes, she wished to know exactly who those individuals were and what penalties they risked.

102. Ms. SCHÖPP-SCHILLING asked whether the Government of the United Kingdom was aware of the recent increase in video cassettes available in Europe, many of which depicted violence against women and children. Was the Government taking any measures in that field?

103. She wished to know whether trafficking in women from developing countries existed in the United Kingdom and, if so, what efforts the Government had made in that area.

(Ms. Schöpp-Schilling)

104. She would appreciate any statistics regarding the number, if any, of HIV infected prostitutes. Furthermore, had the Government considered setting up training programmes to guide prostitutes into other professions?

105. She wished to know whether the special programmes to train police in handling family violence against women formed part of the normal curriculum for law enforcement officers.

106. She would appreciate information on the recommendations made by the Criminal Law Revision Committee. Specifically, what were those recommendations and had they been implemented?

107. Ms. ESCOBAR said that she would appreciate some statistics on the situation in the British Virgin Islands with respect to rape. Since British law penalized those who lived off the earnings of prostitutes, she wished to know whether that legislation would apply to the husband of a prostitute.

108. Ms. LAIOU-ANTONIOU said it appeared from the report that there were a very large number of prostitutes in the United Kingdom. She wished to know whether any special programmes were envisaged to deal with that situation. The high incidence of rape also seemed to point to a serious social problem and she wondered whether consideration was being given to changing current legislation in that area. According to the report, of the total number of males indicted for rape in 1985, only half had been found guilty. She would appreciate an explanation of those figures.

109. Ms. PILATAXI DE ARENAS said that the increase in the number of cases of rape in England and Wales was alarming, although some of that increase could be attributed to wider reporting of the offence. In any event, the report made no mention of judicial proceedings with respect to sexual offences. She would appreciate more information regarding the guidelines on rape which had been issued by the Home Office in Scotland.

110. With respect to the Sexual Offences (Amendment) Act of 1976, it was not clear why the question of consent to sexual intercourse had been incorporated into that legislation. If consent had been given, a sexual offence would, by definition, not exist.

111. Any act of sexual intercourse between children under the age of 14 should not be considered as rape. At the same time, there should be a special agency to ensure that a female child involved in such a case received follow-up treatment.

Article 7

112. Ms. CORTI asked why the report devoted only one paragraph to the issue of women's representation in Parliament. She wondered whether women's organizations in the United Kingdom were active in supporting female candidates for election.

(Ms. Corti)

113. Discrimination against women still existed in the civil service in the United Kingdom. There was only a very small percentage of women in the upper ranks of that service. While the Government had taken some measures to rectify the situation, more positive action was required.

114. Ms. GUAN MINQIAN said she shared the concerns of other Committee members regarding the large number of reservations made by the United Kingdom.

115. By comparison with other countries, the United Kingdom had a very low percentage of women in Parliament. She would like to know the exact percentage of women ministers and what steps the Government was taking to eliminate discrimination in political life.

116. Ms. BERNARD wished to know the percentage of women judges and magistrates in the British judiciary. With respect to the British Virgin Islands, how many women were Permanent Secretaries and heads of department? Also, what were the possibilities for women in terms of upward mobility in the Government and private sectors in the United Kingdom?

117. Ms. SCHÖPP-SCHILLING said that certain political parties were implementing a policy of affirmative action for women candidates. She would like more information about those parties and about the results of their efforts.

118. Ms. LAIOU-ANTONIOU said that British women's lack of participation in public life was deplorable. Did the Government have any plans to institute a quota system or other measures to increase women's participation in public life?

119. Ms. UKEJE said that under the Sexual Discrimination Act of 1975, certain civil service posts had been restricted to men. She would like some clarification of that point. She agreed with the previous speaker that the low level of participation by women in public life was a discouraging sign. She also wished to know whether a review had been made of the new appraisal system for civil service promotion. She would appreciate more information on the efforts of the Women's National Commission to assist women in obtaining public appointments.

120. Ms. TALLAWY said she was pleased that the regulation forcing married women to resign from the diplomatic service had been eliminated in 1972. She would appreciate clarification with regard to the joint posting of married diplomats. Specifically, were they posted to the same embassies and did they enjoy separate or combined rights? Also, more information would be welcome on efforts to increase the awareness of foreign service officers with regard to personnel policy.

121. Ms. GUAN MINQIAN requested more specific figures on the number of women serving in international organizations. What was the ratio between men and women?

122. Ms. ILIĆ asked for more information on the special unpaid leave granted to the spouse in cases where a couple was posted abroad. Was that unpaid leave used mainly by women? Could the period of the special unpaid leave be counted for promotion purposes and for other benefits provided to international civil servants?

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123. Ms. BERNARD asked whether efforts were being made to encourage women to join the diplomatic service, since the current number of female diplomats was rather low. Also, what were the possibilities of advancement for women in the diplomatic service?

124. Ms. SCHÖPP-SCHILLING requested clarification with regard to the manner in which the work of a diplomat's wife was recognized.

125. Ms. LAIOU-ANTONIOU asked how many times the special unpaid leave for spouses could be used.

The meeting rose at 1 p.m.

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Ninth session

SUMMARY RECORD OF THE 156th MEETING

Held at Headquarters, New York,
on Wednesday, 24 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland (continued) (CEDAW/C/5/Add.52 and Amend.1-4)

Article 9

1. Ms. LAIOU-ANTONIOU asked if the provision of the British Nationality Act whereby a man (but not a woman) who was a British citizen was entitled, until 31 December 1987, to acquire British citizenship for his children born in a foreign country who would not automatically be British citizens at birth had been abolished and, if so, whether the reservation expressed by the United Kingdom with respect to article 9 of the Convention had been withdrawn.

2. Ms. UKEJE asked what rationale lay behind that provision of the British Nationality Act.

3. Ms. TALLAWY noted, with regard to the immigration of students, that males were treated differently from females: the husband of a female student was not automatically admitted to the United Kingdom and was not entitled to work there, whereas the wife and children of a male student were admitted unconditionally and could work if they wished. She asked whether the United Kingdom intended to amend that provision, which constituted a flagrant case of discrimination between men and women.

Article 10

4. Ms. FORDE said that the system of education described in the report appeared remarkable. Since school attendance was compulsory from the age of 5, she wished to know whether day-care centres were available to accommodate children below that age, in order that women might be enabled to work. The report also stated that most schools were mixed. She wondered whether studies had been carried out to determine whether that system was more beneficial for girls than a system in which they attended single-sex schools. In conclusion, it would be useful to know whether the children of immigrants or those belonging to a minority could receive an education of the same standard as that provided to other children.

5. Ms. GUAN Mingian, referring to the section entitled "Classroom practice", asked what exactly was meant by "the hidden curriculum" and "the different treatment of boys and girls in the classroom and in nursery schools".

6. Ms. TALLAWY asked whether there was a brochure describing the programmes mentioned under the heading "Non-traditional careers", on which other countries would certainly wish to draw.

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7. Ms. SCHOPP-SCHILLING congratulated the Government of the United Kingdom on its efforts to improve education at all levels. She wished to know whether the Cockroft Report on mathematics, which placed emphasis on teaching methods that appeared to motivate and involve girl pupils more effectively, had been followed up with corresponding action. Noting that efforts were being made to teach information technology, physics and mathematics to groups of either girls or boys, she asked whether there were any studies comparing the results obtained from those groups with those obtained from mixed groups.

8. Ms. PILATAXI DE ARENAS asked what the response of teachers in Scotland had been to the "Strategy for equality", what the results had been and whether a comparable initiative had been launched in the rest of the United Kingdom. With regard to the British Virgin Islands, she fully agreed that, as stated in the report, the issue of pregnant teenagers, who were currently required to leave school, needed further review. Was the legal age of marriage the same in the Islands as in the United Kingdom? Another area of concern in the Territory was the fact that the percentage of children not attending school was considerably higher than that of those attending. She wished to know what was being done to deal with that problem and whether it was possible, in the Islands, to open higher education institutions supported by the United Kingdom, thus avoiding the need for girls to pursue their studies on the mainland.

9. Ms. ESCOBAR shared the concern expressed by Ms. Pilataxi de Arenas concerning the pregnancies of teenagers in the British Virgin Islands and asked whether such teenagers were able to complete their studies. She also wished to know what percentages of both women and men were illiterate.

10. Ms. LAIOU-ANTONIOU asked why the Department of Education and Science continued to subsidize a small number of schools which admitted only either boys or girls and whether that policy was based on any particular ideology. The initiatives of the Department of Trade and Industry to encourage girls to choose non-traditional careers in industry, administration, engineering and information technology were laudable. The question of teacher training was very important; it would be interesting to know the results of the programme designed to prevent future teachers from indulging in preconceptions based on a pupil's sex, and to know what sort of training was provided to teachers with responsibility for sex education.

11. Ms. SAYOGYO asked whether new measures had been taken to encourage women to engage in more intensive professional training, particularly in areas so far dominated by men.

Article 11

12. Ms. DIALLO SOUMARE asked whether the situation of women in the private sector - which was the predominant sector in the United Kingdom - had been studied to determine the extent of women's integration into the working environment and the sorts of constraints to which their presence gave rise. She wished to know what measures had been taken to apply the Convention in the United Kingdom's highly conservative agricultural sector.

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13. Ms. GUAN Mingian, referring to the report's section on unemployment, said that she was pleased to learn that the unemployment rate was lower for women than for men. She also wished to know whether the policy of deregulation introduced with a view to encouraging employers to create jobs was of beneficial effect for women.

14. Ms. FORDE asked, also on the subject of unemployment, whether the rate indicated in the report was equally applicable to immigrant women or those belonging to a minority, or whether separate statistics were compiled for that group of women.

15. Ms. TALLAWY said that, despite the adoption of the Equal Pay Act of 1970, there was still a considerable disparity between the remuneration received by women and men respectively, and she would like to know the extent of that disparity. Had special measures been taken to make up for the lack of self-confidence amongst some women and girls which, according to the report, also constituted an obstacle to full equality?

16. Ms. AKAMATSU asked whether the reasons why the disparity between women's and men's salaries had not been reduced since 1975 - despite the entry into force of the Equal Pay Act and the creation of the Equal Opportunities Commission - had been analysed. The provision whereby dismissal on the grounds of pregnancy could constitute unlawful discrimination only if a man in a comparable position would not have been dismissed was inconsistent with article 11, paragraph 2 (a), of the Convention.

17. Ms. SCHOPP-SCHILLING requested further information concerning the status of part-time workers, most of whom were women: did they enjoy the same social security coverage as full-time employees, even if they completed a minimum number of hours of work, or did the provision of such coverage depend on the size of the firm for which they worked? As for an interruption of professional activity for the purpose of child-rearing and a subsequent return to the job market, it would be interesting to know the average length of such interruptions and at what age women generally began to return to work, in order to plan retraining courses for such women. She asked what the Government's position was with respect to child care and whether it believed that families or employers were responsible for such care. According to the report, the Government encouraged employers to open day-care centres, but was the Government aware of the risks which that implied? If, for any reason, an employer was obliged to close the day-care centres, what would happen to those women who depended on them in order to be able to work?

18. Ms. ESCOBAR asked whether unemployment had the same consequences for men as for women. She also asked whether the United Kingdom had devised a method of quantifying domestic work in the GNP.

19. Ms. OESER asked whether the bottle-necks which prevented women from becoming doctors also existed in the universities.

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20. Ms. LAIOU-ANTONIOU said that, before welcoming the high percentage of women engaged in economic activities in the United Kingdom, it should be remembered that a large number of jobs they held were only part-time. They accepted such jobs in order to perform the family obligations which traditionally were incumbent on women, a fact which did not favour the equitable sharing of domestic tasks. Complete equality had not been established with regard to access to the various social security benefits. Under the heading "Retirement pension", the report stated that the rights to the pension were safeguarded for mothers who were away from work looking after children or for people giving up work to care for severely disabled relatives. She wondered whether housewives were entitled to such a pension under that heading. With regard to social services for the elderly, she asked how many persons benefited from those services and the percentage of needs covered. She would also like to know if the percentage of women engaged in a non-remunerative activity not covered by social security, particularly in a family enterprise, was known. That phenomenon was particularly widespread in the Virgin Islands, which were largely dependent on tourism.

21. Ms. SAYOGYO asked whether the percentage of women planning to make a career in science and engineering was increasing and if the rate of unemployment indicated in the report took into account the non-structured sector, especially in the rural areas and whether it was still decreasing.

22. Ms. GONZALEZ MARTINEZ said the report mentioned numerous cases of latent discrimination. The Code of Conduct of the Equal Opportunities Commission, for example, was only a series of recommendations, whereas under the Convention such provisions should be compulsory. Dismissal on the grounds of pregnancy was not considered as illegal discrimination (under the Convention any discrimination was illegal) unless, in a comparable situation, a man would not have been dismissed. However, there was no comparable situation for a man and the very existence of such a provision constituted a flagrant discrimination against women. On the question of unemployment, the report stated that the Government could not give its support to measures based only on the reduction of female unemployment. That comment was devoid of foundation because the general measures taken against unemployment were derived from the International Covenant on Economic, Social and Cultural Rights and not from the Convention on the Elimination of All Forms of Discrimination against Women. She would like to know the percentage of women who were members of a trade union and whether such membership was an advantage or not for a woman, taking into account the fact that employers often established as a condition for employment non-membership in any trade union. Finally, she asked for information on the consequences of drug addiction on female employment.

Article 12

23. Ms. CORTI welcomed the law of 16 July 1985 prohibiting female circumcision. She asked for details on legislation concerning drugs and more particularly on the provisions enacted against drug traffickers. On the question of abortion, she noted that the law of 1967 made provision for the legal interruption of pregnancy if two doctors authorized it. In other words, only a therapeutic abortion was allowed. The United Kingdom apparently did not recognize the principle that women

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could do what they liked with their own bodies and could interrupt a pregnancy for family, social or economic reasons. She asked whether there was a movement demanding new legislation on the subject and what was the position of women's organizations. The statistics appearing in the report concerned exclusively abortions registered between 1982 and 1985. What was the position with clandestine abortions which the report said was "negligible". Was their number really negligible?

24. Ms. WALLA-TCHANGAI welcomed the measures taken by the United Kingdom to protect the health of mothers and children and in particular to discourage the use of certain harmful substances. She also welcomed the measures taken for the prevention of AIDS. On that subject, since prostitution was an offence in the United Kingdom and was also a cause of the spread of AIDS, she would like to know how preventive measures were applied in the case of prostitutes. The report contained statistics on abortions among adolescents under 16. Since the age of consent in the United Kingdom was fixed at 16, she asked whether such adolescents had become pregnant as a result of rape.

25. Ms. ALFONSIN DE FASAN noted that the United Kingdom was campaigning energetically against the spread of AIDS and against drug addiction. However, she would like to know more about the protection of women suffering from AIDS both at work and from the point of view of general health. She noted that the mortality rate for women was higher than that for men and wondered what were the reasons for that phenomenon which was contrary to the general trend. Moreover, in the case of working women, she felt that day nurseries were an important aid and that it should be possible to increase their number without excessive expenditure, since the birth rate was decreasing in the United Kingdom. Finally, she asked whether there were temporary centres to receive women whose health had been affected by acts of violence and if efforts were being made to assist such women to achieve financial independence by finding them work.

26. Ms. ESCOBAR asked whether girls under 16 needed parental permission for an abortion and if they had access to contraceptives.

27. Ms. LAIOU-ANTONIOU, referring also to the question of abortion, would like to know how often the two medical practitioners referred to on page 101 of the original report, gave a positive opinion. She wondered about the medical expenses of abortion: were they covered by the National Health Service, social security or by the woman herself? She noted that the statistics for abortion referred to "non-residents" and to "agencies" and wished to know the meaning of those terms. With regard to the family planning services provided free by general practitioners and family planning clinics, she asked how such services were provided. She also wondered under what conditions abortions were carried out in the Falkland Islands; were abortions legal there and what medical care was provided?

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28. Ms. PILATAXI DE ARENAS welcomed the law of 1985 prohibiting female circumcision. She quoted a document issued by the Commission on Human Rights stating that the practice was still being followed and that the United Kingdom was trying to combat it among the ethnic groups which allowed it. She asked who those ethnic groups were. She also asked about the results of the action taken by the United Kingdom Government in that field.

29. The CHAIRPERSON asked whether programmes had been envisaged for emigrant women who did not speak English.

Article 13

30. Ms. SCHOPP-SCHILLING recalled that the United Kingdom representative had stated that a person whose spouse did not work enjoyed a tax reduction. Could such a reduction be considered as being designed to encourage women, especially in middle-income households, to remain at home to look after the children?

31. Ms. UKEJE asked whether the tax system in the British Virgin Islands was not somewhat discriminatory and if the laws adopted in the United Kingdom also applied to the Virgin Islands.

32. Ms. FORDE asked for clarifications on the subject of the Green Paper mentioned on page 107 of the initial report and on the disappointing results to which it had given rise. Certainly, in tax legislation there had been progress. But she wondered if the United Kingdom was really moving towards a totally separate system of taxation for husbands and wives. And if such was the case, would the provisions adopted in the United Kingdom be automatically applied in the dependent territories?

33. Ms. GUAN Minqian asked for more information about the general situation of the elderly and the major problems they encountered. She also requested further details about the two campaigns conducted by the Sports Council since 1982.

Article 14

34. Ms. ALFONSIN DE FASAN asked what possibilities were open to unemployed women in the rural areas to register as unemployed. Would it be possible to have a register kept by travelling personnel which would enable such women to receive unemployment benefits? What had been the results of plans designed to develop transport, health services and nurseries in the remote areas? She drew attention to that part of the report dealing with the conservative mentality of the rural areas and inquired what results had been achieved by the training courses organized for women in charge of small enterprises and whether such women benefited from social security coverage.

35. Ms. LAIOU-ANTONIOU asked to what extent women living in rural areas could participate in the planning of social and economic development of their region, as stipulated in the Convention. It was stated in paragraph 27 of amendment 3 to the initial report that the most effective remedy for a person in the Isle of Man who had a grievance was by means of a complaint direct to a member of the local

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assembly (House of Keys). She wondered if women living in the remote areas of the island could really use that method to have their claims heard. For example, was it likely that a woman who had been dismissed for being pregnant would go and complain directly to the local assembly?

36. Ms. PILATAXI DE ARENAS referred to the increase in number of adoptions mentioned in the report. She wondered if that meant not only that British nationals adopted foreign children but also that aliens could also adopt children. She also asked if the recommendation of the Women's National Commission concerning co-operation between women and the police, particularly with regard to rape committed at home, was applied, and how.

37. Ms. SAYOGYO asked whether job-creating programmes existed for women in the rural areas and if so what had been the results.

Article 16

38. Ms. FORDE welcomed the law of 1976 against domestic violence and also the fact that it protected couples living together in consensual unions. She asked whether the Government of the United Kingdom was planning to extend the rights of couples living together in consensual unions to child maintenance and property rights. With regard to the law reforming the Family Code, adopted in 1987, she asked if children born out of wedlock could inherit from their father and on what terms. Did legislation on inheritance contain provisions concerning families established outside of marriage? What was the legal status of such families in the Virgin Islands and the Turks and Caicos Islands? Did the laws adopted in the United Kingdom apply to those territories?

39. Ms. ALFONSIN DE FASAN noted that the number of households headed by women was constantly increasing. She asked whether there were any plans for giving psychological assistance to couples in difficulty and whether the main factors for the breaking up of unions were known.

40. Ms. GUAN Mingian asked a question about the two possible forms of marital dissolution: separation and divorce. In what circumstances did women choose separation?

41. Ms. AKAMATSU asked for additional details about the number of women who kept their maiden name at the time of marriage and on the number of couples who adopted a completely new name. If the woman continued to use her own name, how was the name of the child decided?

42. Ms. SCHOPP-SCHILLING asked for information on the number of households headed by women and on their economic situation: did such women depend for their economic support on the regular pension, family benefits or special allowances? In the day nurseries was preference given to women who raised their children alone? Was there a problem of poverty among elderly women and did they receive benefits?

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43. Ms. LAIOU-ANTONIOU asked whether family courts existed. If so, what was their sphere of competence? In case of divorce, what happened to the property acquired during the marriage? Did the woman have any rights to such property even if she had not worked?

44. The CHAIRPERSON said that the experts had shown great interest in the situation of women in the United Kingdom. She hoped that the questions asked would help to clarify the problems raised.

45. Ms. DENHAM (United Kingdom) thanked the experts for the tributes they had paid to her country and said that she would reply in as much detail as possible to the questions asked.

Initial report of Thailand (CEDAW/C/5/Add.51)

46. At the invitation of the Chairperson, Ms. Supatra Masdit (Thailand) took a place at the Committee table.

47. Ms. SUPRATA MASDIT (Thailand) said it was a privilege for her to represent her Government as the Minister responsible *inter alia* for supervising the formulation of laws and the adoption of policies designed to promote the status of women and to protect their rights in Thailand.

48. The initial report of Thailand (CEDAW/C/5/Add.51) had been submitted to the Committee in 1987. She would therefore emphasize in her statement certain new facts concerning the status of women which had occurred since then in her country.

49. Thailand had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1985 but had not yet ratified it. Nevertheless, the provisions of the Convention had been reflected at the national level by basic changes in laws and policies. Proceeding from the general to the particular, she proposed to consider the national instruments responsible for promoting the status of women and defending their rights, national policies in that field, local laws and practices relating to the Convention, the specific problems now arising, the reservations and omissions which impeded the achievement of women's rights and, finally, future trends.

50. Turning to the national instruments for the promotion of the status of women and the protection of their rights, she pointed out that, after the change of government in 1988, a permanent national commission had been set up responsible for the status of women. Its task was to formulate policies and to submit plans for improving the status of women, to help governmental and private bodies to solve the problems of women and to recommend the adoption of new laws or the amendment of existing laws regarding women.

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51. National policies regarding the status of women formed part of two specific plans. They were the sixth national economic and social development plan 1987-1991 and the long-term plan for the promotion of the status of women 1982-2001. The second plan had considerably influenced the first plan. The long-term plan was aimed at improving the status of women particularly in the rural areas and the shantytowns, at modifying laws that were unfair to women, at encouraging women to play a role in society and administration, at promoting co-operation between the public and private sectors with regard to the status of women, at increasing the efficiency of governmental machinery concerned with the status of women and at encouraging the establishment of women's organizations at different levels.

52. Those general objectives were supplemented by specific provisions aiming inter alia at providing the necessary care, including good nutrition, for pregnant women and ensuring that they benefited from governmental or other assistance during a period of six months after they had given birth. It was also stipulated that a couple should not have more than two children and should be able to choose the method of contraception which suited them.

53. The Long-Term Women's Development Plan had also identified certain groups requiring immediate attention. It emphasized the need to amend the abortion law, to widen the grounds for divorce and to impose stricter sentences on procurers who profited from prostitutes.

54. Scrutiny of local laws and practices which had a bearing on the Convention showed that there were very few Thai laws that conflicted with the Convention and that they tended to be covered by the reservations which Thailand had entered to certain provisions of the Convention.

55. The principle of non-discrimination was included in the Thai Constitution of 1978, which stipulated that all were equal before the law. The Trafficking of Women and Girls Act of 1928, the Prostitution Suppression Act of 1960 and the Penal Code of 1956, as amended, were consistent with article 6 of the Convention. The right to education was guaranteed by the Constitution and there was six years' universal compulsory schooling and a 97 per cent literacy rate. An array of laws provided for the protection of women in employment, including a 1972 Ministry of Labour notification providing for equal pay for men and women and 60 days' paid maternity leave. The administration of matrimonial property, which prior to 1976 had been the exclusive right of the husband, was now recognized as being the responsibility of both spouses. Discrimination in relation to certain professions, which had previously barred women from becoming public prosecutors and judges, had now been eliminated. Lastly, in 1987, the Penal Code, which previously had contained provisions protecting girls aged 13 and under against sexual violence, had raised the minimum age of consent to 15.

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56. The crucial issue in Thailand was *de facto* discrimination, since the *de jure* situation was relatively satisfactory. Such discrimination was prevalent in employment, where women's contribution in terms of housework had not been accorded enough attention; in wages, although equality in law was guaranteed in public life, where the number of women in Parliament was still too limited; in local government; and in the judiciary. On the other hand, there was virtual parity between men and women in international organizations.

57. Another issue of note was the breakdown of the family system as evidenced by the growing divorce rate. That situation could be attributed partly to the fact that economic needs forced an increasing number of women to take up employment while continuing to look after the family.

58. The advent of AIDS, with the official number of infected cases registered at 12,000 men and 2,000 women, had added another complicated dimension to the issue of women's rights.

59. The reservations entered by Thailand at the time of its accession to the Convention were an obvious Achilles heel which must be understood in their socio-cultural, economic and political setting. Only the mobilization of public opinion, which was already under way, would make it possible to eliminate those remnants of discrimination.

60. The first of the seven reservations concerned article 7 of the Convention (equality of access to public office) and reflected existing law and practice, whereby women were excluded from, *inter alia*, the army and certain key administrative posts. However, there was currently great interest in amending at least parts of the laws which perpetuated discrimination based on a patriarchal attitude towards gender-based laws.

61. The reservation entered to article 9, paragraph 2, had been motivated partly by the paternalistic structure of society and partly by the fear that the children of refugees and illegal immigrants would gain too extensively from the granting of Thai nationality. However, there was growing support for the idea that children should be able to take the nationality of either their father or their mother.

62. The reservation to article 10 (education) could be explained by the fact that women did not have access to military and certain other official institutions. That should not obscure a number of positive developments, however, such as the universalization of primary education, a 97 per cent literacy rate and an almost equal share of places for men and women in formal educational institutions.

63. Thailand would be able to withdraw its reservation to article 11 (1) (b) (employment) now that its laws provided for equality in that area.

64. The Government was also planning to withdraw its reservation to article 15 (3) (legal capacity), since men and women now had equal rights to enter into contractual relations.

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65. The reservation to article 16 (matrimonial matters) took account of certain laws and practices which were incompatible with the Convention. The Government was taking a step-by-step approach in that area. The National Commission on Women's Affairs had recently suggested that it become compulsory to stipulate marital status on identification cards, in order to prevent bigamy.

66. The last reservation, concerning article 29 (1) (International Court of Justice), was in conformity with international practice.

67. The prospects for progress in eliminating discrimination were encouraging from several standpoints. In addition to the desire to withdraw at least two reservations, there was a very clear trend towards amending the law on prostitution so that, rather than branding prostitutes as criminals, the emphasis would be on prevention and rehabilitation. There was also a proposal to expand maternity leave and to introduce paternity leave.

68. There was also increasing awareness of the need to see the development of women and children in the broader context of the protection of the family system. The Government had just designated a national family day and was exploring the possibility of more concrete strategies in that area.

69. In conclusion, the political and social will for more law reform and for changes in policy and practice was gaining ground. The challenges were many: women's rights must be shown to be compatible with national security, suggestions for reform must be put into action, the necessary resources must be allocated and women's participation at all stages of the process must be assured. With initiative and insight, however, the day would come when parochial practices yielded to the application of international norms.

70. The CHAIRPERSON thanked the representative of Thailand for her statement and asked her to convey to her Government congratulations on having acceded to the Convention and having submitted the initial report and the amendment thereto, which provided a better understanding of the mechanisms for implementing the Convention. She regretted that Thailand had entered so many reservations to the Convention, but welcomed the prospect that two of them might be withdrawn. She would have liked the report to include more information on the actual situation in Thailand.

71. Ms. BERNARD welcomed the presence of a woman member of the Thai Government, which was tangible proof of the progress made by women in that country. Like the Chairperson, she was concerned at the large number of reservations. She hoped that the Government would withdraw its reservations not only to article 11 (1) (b) and article 15 (3) but also to article 16. She welcomed the establishment of the National Commission on Women's Affairs, which was also responsible for reviewing reservations.

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72. Ms. SINEGIORGIS noted that the report was very frank and thus gave a clearer picture of the obstacles that existed and a better idea of the efforts made by the Government to eliminate vestiges of discrimination. She wished to know how much publicity had been given to the Convention and whether it had been translated into Thai. She was concerned at the number of reservations, some of which called into question crucial provisions of the Convention. Had Thailand actually ratified the Convention? The report seemed to contradict itself on that point. Lastly, why did the Thai Constitution not proclaim the equality of men and women explicitly, rather than using wording that was open to misinterpretation?

73. Ms. PILATAXI DE ARENAS acknowledged the efforts made to eliminate discrimination and to enhance the corresponding legal mechanisms. That only increased her desire to see the early withdrawal of the reservations entered by the Government. What was the stumbling block - women's attitudes or government organs? What impact had the many consciousness-raising seminars for women had and had they been a government or a private sector initiative?

74. Ms. GONZALEZ MARTINEZ shared the hope of the preceding speakers that the reservations, which seriously affected the substance and goals of the Convention, would be withdrawn promptly. She said that she would like more information with regard to who decided on the membership of the National Commission on Women's Affairs, on whether minors below the age of 13 were protected against rape and on whether the five-year plan was part of the long-term plan.

75. Ms. OESER also expressed concern regarding the reservations, which affected the essence of the Convention. The report showed frankly the gap between the legal and the actual status of women. However, as the long-term plan indicated, a positive trend seemed to be developing. She wondered if the Government was applying that very detailed plan, which had been prepared by the preceding Government.

76. Ms. LAIOU-ANTONIOU said that she was pessimistic because of the observations she had been able to make personally during a stay in Thailand and because of her reading of the report, which drew attention to many reservations. The developing countries were of course experiencing great difficulties, but political will could overcome many obstacles. In that connection, she expressed satisfaction that a woman had been appointed Minister for women's affairs in the Thai Government. She hoped that a vigorous effort would be made at the legislative level in order to make possible the application of the Convention.

77. Ms. UKEJE (Rapporteur) expressed the hope that the Thai Government would soon withdraw its reservations.

78. Ms. SCHOPP-SCHILLING, noting that the political will to do so had certainly been strengthened, expressed the hope that the Thai Government would make further progress towards equality between men and women, that it would make the necessary changes and that it would withdraw its reservations. She had been glad to learn that a large number of commissions and committees had been established and wished to know whether there were funds available to those bodies for their programmes. She would also like to know what percentage of total resources the funds provided

for the five-year plan and the long-term plan represented. With regard to the Convention, she wondered, like Ms. Sinegiorgis, whether or not it had been ratified. If not, what were the obstacles, in view of the fact that it had been signed as early as 1985?

79. Ms. TALLAWY emphasized the candour with which the report dealt with the obstacles to the improvement of the status of women in Thailand. She would also, however, have liked specific information on what measures had been taken to overcome those obstacles. She expressed concern with regard to the reservations, some of which affected fundamental rights (employment, education, legal capacity) and therefore contradicted the provisions of article 28, paragraph 2 of the Convention. Like other speakers, she wondered whether Thailand had ratified the Convention. From the report (page 4), that did not seem to be the case. But then, why had Thailand submitted an initial report when, in accordance with article 18, paragraph 1 (a) of the Convention the report was to be submitted "within the year following the entry into force of the Convention"?

80. The CHAIRPERSON, speaking on behalf of the members of the Committee, apologized to the representative of Thailand for being obliged to interrupt the discussion of her Government's report and asked her, in view of the lateness of the hour, to return the next day in order to hear the questions which would be asked, article by article, by the members of the Committee.

Report of the pre-session Working Group (CEDAW/C/CRP.12)

81. The CHAIRPERSON said that the Committee had before it the report of the pre-session Working Group established to prepare the list of questions to be transmitted in advance to the States Parties whose second periodic reports were to be discussed at the forthcoming meetings of the Committee. An amendment to that list, issued in English only, had just been circulated to the Committee. Unfortunately, it would not be possible to discuss those additional questions because of lack of time. She therefore suggested that the Committee should transmit to the States Parties concerned the report of the pre-session Working Group together with the questions raised individually by the experts. She asked for the Committee's views regarding that procedure.

82. Ms. SCHOPP-SCHILLING, Ms. ILIC, Ms. SINEGIORGIS and Ms. GUAN Mingian supported the Chairperson's proposal.

83. Ms. NOVIKOVA said she wished to point out, as a member of the Working Group, that the Group had no intention of excluding the co-operation of the other members. Respect for democratic procedures required that the Committee should discuss the questions raised individually by the experts.

84. Ms. CORTI felt that it was necessary to devote at least 10 minutes to discussing the list of questions to be transmitted to the States Parties. She explained briefly the way in which the pre-session Working Group had gone about its work and added that, in accordance with established practice, members of the

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Committee could always submit orally questions which did not appear in the report of the pre-session Working Group.

85. Ms. OESER said that she intended to review the questions she had raised in writing in order to see whether they duplicated those raised by the pre-session Working Group in its report. If that was the case, she was prepared to withdraw her questions, while reserving the right to raise them orally with the States Parties.

86. The CHAIRPERSON pointed out that the length of the session was limited. If the States Parties were asked questions which had not been submitted to them in advance in writing, they might not be able to reply in good time.

87. Ms. TALLAWY appealed to the experts who had prepared additional questions to proceed in the way suggested by Ms. Oeser, i.e., to make sure that their questions did not duplicate those the Working Group had already raised in its report. She explained that, in view of the large number of questions raised, the Working Group had been obliged to select those of them which seemed most important. If all the questions raised by the experts were to be transmitted to the States Members there would be no need for a pre-session Working Group; that task could be carried out just as well by the Secretariat.

88. The CHAIRPERSON, noting that the experts remained divided with regard to the transmission to the States Parties of questions added individually by members of the Committee, proposed that, at the present stage, only the report of the pre-session Working Group should be transmitted to the States Parties, on the understanding that the additional list could always be transmitted later if agreement on that subject was reached. If she heard no objections, she would take it that the Committee wished to proceed in that way.

89. It was so decided.

The meeting rose at 6.20 p.m.